



# भारत का राजपत्र

# The Gazette of India

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

साप्ताहिक

WEEKLY

सं. 32]

नई दिल्ली, अगस्त 3—अगस्त 9, 2014, शनिवार/श्रावण 12—श्रावण 18, 1936

No. 32]

NEW DELHI, AUGUST 3—AUGUST 9, 2014, SATURDAY/SRAVANA 12—SRAVANA 18, 1936

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड ( ii )

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों ( रक्षा मंत्रालय को छोड़कर ) द्वारा जारी किए गए सार्विधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications Issued by the Ministries of the Government of India

(Other than the Ministry of Defence)

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 25 जुलाई, 2014

का.आ. 2163.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में राजस्व विभाग के अधीन प्रवर्तन निदेशालय के रांची क्षेत्रीय कार्यालय को जिनके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्य साधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[फा. सं. ई. 11017/01/2012-एडी (हिन्दी-4)]

चन्द्रभान नारनौली, निदेशक (राजभाषा)

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 25th July, 2014

S.O. 2163.—In pursuance of sub rule (4) of rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976 the Central Government hereby notifies the Ranchi Regional office of the Directorate of Enforcement Under the Department of Revenue, where more than 80% staff have acquired the working knowledge of Hindi.

[F. No. E. 11017/1/2012-AD(Hindi-4)]

CHANDERBHAN NARNAULI, Director (OL)

## विदेश मंत्रालय

( सीपीबी प्रभाग )

नई दिल्ली, 24 जुलाई, 2014

**का.आ. 2164.**—राजनयिक और कांसलीय ऑफिसर (शपथ और फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में केन्द्र सरकार एतद्वारा श्री सतिंदर कुमार राठौर सहायक को 24 जुलाई, 2014 से भारत के कांसलावास हेरात सहायक कांसुलर अधिकारी के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है।

[सं.टी. 4330/01/2014]

एस. एन. वी. रमना राव, उप सचिव (कांसुलर)

## MINISTRY OF EXTERNAL AFFAIRS

(CPV DIVISION)

New Delhi, the 24th July, 2014

**S.O. 2164.**—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorize Shri. Satinder Kumar Rathore, Assistant, in Consulate General of India, Herat to perform the duties of Assistant Consular Officer with effect from 24th July, 2014.

[No. T. 4330/01/2014]

S. N. V. RAMANA RAO, Dy. Secy. (Consular)

## कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

( कार्मिक और प्रशिक्षण विभाग )

नई दिल्ली, 30 जुलाई, 2014

**का.आ. 2165.**—केन्द्र सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए माननीय कलकत्ता उच्च न्यायालय एवं अन्य उच्च न्यायालयों तथा भारत के माननीय उच्चतम न्यायालय में शारदा चिट फंड घोटाला मामलों एवं उससे संबंधित मामलों अथवा उनसे प्रासंगिक अन्य मामलों की अपीलों/पुनरीक्षणों में उपस्थित होने/संचालन हेतु श्री के. राघवाचार्युलु, अधिवक्ता को दिल्ली विशेष पुलिस स्थापना (के.अ. ब्यूरो) की ओर से विशेष लोक अभियोजक नियुक्त करती है।

[फा.सं. 225/27/2014-ए.वी.डी.-II]

राजीव जैन, अवर सचिव

## MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 30th July, 2014

**S.O. 2165.**—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Shri K. Raghavacharyulu, Advocate as Special Public Prosecutor for appearing/conducting Sharda Chit Fund Scam Cases and its related cases before the Hon/ble High Court of Calcutta and any other High Courts and Hon'ble Supreme Court of India on behalf of Delhi Special Police Establishment (CBI) and appeals/revisions or other matters connected therewith and incidental thereto.

[F. No. 225/27/2014-AVD-II]

RAJIV JAIN, Under Secy.

## वाणिज्य एवं उद्योग मंत्रालय

( वाणिज्य विभाग )

( पूर्ति प्रभाग )

नई दिल्ली, 28 जुलाई, 2014

**का.आ. 2166.**—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में, वाणिज्य एवं उद्योग मंत्रालय, वाणिज्य विभाग (पूर्ति प्रभाग) के निम्नलिखित कार्यालय में हिन्दी का कार्यसाधक ज्ञान रखने वाले कर्मचारियों की संख्या 80% से अधिक हो जाने के फलस्वरूप निम्न कार्यालय को एतद्वारा अधिसूचित करती है:

1. गुणता आश्वासन निदेशालय  
पहली मर्जिल  
आयकर भवन उपगृह  
न्यू मरीन लाइंस  
मुम्बई-400020

[फा.सं. ई.-11016/06/2004-हिन्दी]

रवि कपूर, संयुक्त सचिव

## MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

(SUPPLY DIVISION)

New Delhi, the 28th July, 2014

**S.O. 2166.**—In pursuance of Sub-rule (4) of Rule (10) of Official Language (Use for Official purposes of the

Union) Rules, 1976, the Central Government hereby notifies the following offices of the Ministry of Commerce & Industry, Department of Commerce (Supply Division), where more than 80% of Employees have attained working knowledge of Hindi:-

1. Directorate of Quality Assurance  
Aayakar Bhawan Annex  
New Marine Lines,  
Mumbai-400020

[F. No. E-11016/06/2004-Hindi]

RAVI CAPOOR, Jt. Secy.

### इस्पात मंत्रालय

नई दिल्ली, 31 जुलाई, 2014

**का.आ. 2167.**—राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथासंशोधित, 1987) के नियम 10 के उप-नियम (4) के अनुसरण में, केन्द्रीय सरकार एतद्वारा इस्पात मंत्रालय के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालयों, जिनके 80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है:-

1. शाखा बिक्री कार्यालय, आर.आई.एन.एल., विशाखापट्टणम इस्पात संयंत्र, सं. 38/4-बी, एफ-10 और 11, फ्रैंडस सेंटर, पंजाब व सिंध बैंक के पास, संजय पैलेस, आगरा-282002
2. शाखा बिक्री कार्यालय, आर.आई.एन.एल., विशाखापट्टणम इस्पात संयंत्र, चाकोस टॉवर, दूसरी मंजिल, पहा जंक्शन, एर्नाकुलम, कोचीन-682035
3. शाखा बिक्री कार्यालय, आर.आई.एन.एल., विशाखापट्टणम इस्पात संयंत्र, 27, पहला तल, ई सी रोड, देहरादून-248160
4. मेकोन लिमिटेड, तीसरी मंजिल, टॉवर क्रमांक-7, अन्तर्राष्ट्रीय इन्फोटेक पार्क, वाशी रेलवे स्टेशन काम्प्लेक्स, वाशी, नवी मुम्बई-400703 (महाराष्ट्र)
5. फैरो स्क्रैप निगम लिमिटेड, एसएमएस कार्यालय भवन (प्रथम तल), बीएचईएल संयंत्र के भीतर, पोस्ट-रानीपुर, जिला-हरिहार-249403 (उत्तराखण्ड)
6. हिंदुस्तान स्टीलवर्क्स कंस्ट्रक्शन लिमिटेड, लैंड डेवलपमेंट बैंक बिल्डिंग, तृतीय तल, बुद्ध मार्ग, पटना-800001 (बिहार)
7. हिंदुस्तान स्टीलवर्क्स कंस्ट्रक्शन लिमिटेड, एच.एस.सी.एल. ई-5 एवं ई-6, श्यामली कॉलोनी, इस्पात अस्पातल के निकट, पोस्ट-डोरंडा, रांची-834002 (झारखण्ड)

8. हिंदुस्तान स्टीलवर्क्स कंस्ट्रक्शन लिमिटेड, राउरकेला इस्पात संयंत्र, जिला-सुंदरगढ़ (उड़ीसा), राउरकेला-769011

[सं. ई-11011/01/2012-हिंदी]

लोकेश चन्द्र, संयुक्त सचिव

### MINISTRY OF STEEL

New Delhi, the 31st July, 2014

**S.O. 2167**—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976 (as amended, 1987) the Central Government hereby notifies the following offices under the administrative control of Ministry of Steel, wherein more than 80% of the staff have acquired the working knowledge of Hindi:-

1. Branch Sales Office, RINL, Visakhapatnam Steel Plant, No. 38/4-B, F-10 & 11, Friends Centre Near Punjab & Sind Bank, Sanjay Palace, Agra-282002
2. Branch Sales Office, RINL, Visakhapatnam Steel Plant, Chakos Tower, 2nd Floor, Padma Junction Ernakulam, Cochin-682035
3. Branch Sales Office, RINL, Visakhapatnam Steel Plant, No. 27, 1st Floor, E. C. Road, Dehradun-248160
4. Mecon Limited, 3rd Floor, Tower No. 7, International Infotech Park, Vashi Railway Station Complex, Vashi, Navi Mumbai-400703 (Maharashtra)
5. Ferro Scrap Nigam Limited, SMS Office Building (1st floor), Inside BHEL Plant, Post-Ranipur, Dist.: Haridwar-249403 (Uttarakhand)
6. Hindustan Steelworks Construction Ltd., Land Development Bank Building, 3rd Floor, Budh Marg, Patna-800001 (Bihar)
7. Hindustan Steelworks Construction Ltd., (HSCL) E-5 & E-6, Shyamali Colony (Near Ispat Hospital), Post-Doranda, Ranchi-834002 (Jharkhand)
8. Hindustan Steelworks Construction Ltd., Rourkela Steel Plant, Distt. Sundargarh (Odisha) Rourkela-769011

[No. E. 11011/01/2012-Hindi]

LOKESH CHANDRA, Jt. Secy.

**श्रम एवं रोजगार मंत्रालय**

नई दिल्ली, 22 जुलाई, 2014

**का.आ. 2168.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार चीफ इंजीनियर (इलेक्ट्रिकल) डिपार्टमेंट ऑफ टेलीकॉम, चंडीगढ़ के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय-2, चंडीगढ़ के पंचाट (संदर्भ संख्या 764/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18/07/2014 को को प्राप्त हुआ था।

[सं. एल. 40012/17/2004-आईआर (डीयू)]

पी. के. वेणुगोपाल, अनुभाग अधिकारी

**MINISTRY OF LABOUR AND EMPLOYMENT**

New Delhi, the 22nd July, 2014

**S.O. 2168.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 764/2005) of the Cent. Govt. Indus. Tribunal-cum-Labour Court-II, Chandigarh now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Chief Engineer (Electrical) Department of Telecom, Chandigarh, and their workman, which was received by the Central Government on 18/07/2014.

[No. L-40012/17/2004 - IR (DU)]

P. K. VENUGOPAL, Section Officer

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT-II,  
CHANDIGARH**

**Present :**

SRI KEWAL KRISHAN, Presiding Officer

**Case No. I.D. No.764/2005**

Registered on 5.9.2005

Sh. Upkar Singh,  
S/o Sh. Sant Singh,  
C/o Sh. Amit Sharma,  
K.No.903, Sector 64,  
Phase XI, Mohali,  
Chandigarh.

...Petitioner

Versus

The Chief Engineer (Electrical),  
Deptt. of Telecom,  
SCO No. 332-34, Sector 64,  
Chandigarh. ...Respondents

**Appearances:**

For the Workman

For the Management

Sh. Anish Babbar Adv.

**AWARD**

Passed on 6.6.2014

Central Government vide Notification No. L-40012/17/2004-IR(DU) Dated 28.7.2004, by exercising its powers under Section 10 Sub Section (1) Clause (d) and Sub-Section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial dispute for adjudication to this Tribunal:-

"Whether the action of the management of Telecom now known as BSNL in terminating the services of Sh. Upkar Singh Ex- Peon w.e.f. 28/8/2001 without any notice and without complying with the provisions of the ID Act, 1947 is just and legal? If not to what relief the concerned workman is entitled to and from which date?"

In response to the notice the workman submitted statement of claim pleading that he was engaged as a Peon on daily wages w.e.f. 4.4.1998 by respondent management and his services were terminated in the year 28.8.2001 without payment of any compensation. That the persons junior to him were retained in service and thus there is violation of Section 25G of the Act. The management again appointed fresh persons without giving him any priority and violated Section 25H of the Act. That he be reinstated in service with full back wages.

Respondent management filed written statement pleading that the workman was engaged in the office of Chief Engineer in the month of April 2000 on a stop gap arrangement where he worked up to June 2001. Thereafter the contract was given to the security agency and the workman did not work for the management. That there was no requirement to comply with the provisions of Sections 25F, 25G and 25H of the Act.

Parties led their evidence.

In support of his case the workman appeared in the witness box and filed his affidavit supporting his claim as set out in the claim petition.

However management did not lead any evidence and its evidence was closed vide order dated 17.12.2013.

I have heard Sh. Arun Batra counsel for the workman and Sh. Anish Babbar, counsel for the management and perused the file carefully.

It was contended by the learned counsel for the workman that workman was appointed as Peon w.e.f. 4.4.1998 and he worked as such till 28.8.2001 when his services were terminated in violation of the provision of Section 25F of the Act and since his termination is illegal, he is liable to be reinstated in service.

Sh. Arun Batra Adv.

I have considered the contentions of the learned counsel.

Though the workman has pleaded that he was engaged as Peon on 4.4.1998 on daily wages, but he did not produce any documentary evidence to prove this fact and it is not his case that he was engaged orally by the management. In the absence of any document it cannot be said that he was engaged on 4.4.1998. In the circumstances the stand of the management that he was engaged in April, 2000 is to be taken as true.

According to the workman his services were discontinued on 28.8.2001. Again there is no cogent and convincing evidence that he worked with the management till 28.8.2001. He did not summon any record from the management to establish that he was paid salary till 28.8.2001 by the management and even no attendance record has come on the file to establish that he attended to his duties till 28.8.2001.

According to the management he worked for 181 days from April, 2000 to December, 2000; and for 120 days from January, 2001 to June, 2001 i.e. for a total period 301 days. But since the workman himself claims that his services were terminated on 28.8.2001, which is not proved on the file; and the working days calculated from 28.8.2001 only comes to 224 days and it cannot be said that he continuously worked for 240 days in a calendar year preceding the date of his alleged termination. Thus, no violation of Section 25F of the Act, proved on the file. Again there is nothing on the file that any person junior to the workman was retained in service or any fresh appointment was made by the management after terminating the services of the workman. Thus there is no violation of any provision of law in the present case.

In result it is held that the workman has failed to prove that his services were terminated on 28.8.2001 and that too in violation of the provisions of the Act and he is not entitled to any relief. The reference is accordingly answered against the workman. Let hard and soft copy of the award be sent to the Central Government for further necessary action.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 22 जुलाई, 2014

**का.आ. 2169.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार जनरल मैनेजर बीएसएनएल, कॉंगड़ा के प्रबंधतंत्र के संबंद्ह नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़ के पंचाट (संदर्भ संख्या 200/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18/07/2014 को प्राप्त हुआ था।

[सं. एल. 40011/7/2011-आई आर (डीयू)]

पी. के. वेणुगोपाल, अनुभाग अधिकारी

New Delhi, the 22nd July, 2014

**S.O. 2169.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 200/2011) of the Cent. Govt. Industrial Tribunal/Labour Court-II, Chandigarh now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of the General Manager, BSNL, Kangra, and their workman, which was received by the Central Government on 18/07/2014.

[No. L-40011/7/2011 - IR (DU)]

P. K. VENUGOPAL, Section Officer

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

##### Present:

Sri KEWAL KRISHAN, Presiding Officer

**Case No. I.D. No. 200/2011**

Registered on 20.9.2005

Sh. Chaman Singh,  
Part Time Sweeper,  
Telephone Exchange,  
Kiani, Chamba.

...Petitioner

Versus

The General manager,  
BSNL, Dharamshala,  
Kangra

The SDO (T/P),  
BSNL, Telecom Sub-Division,  
Chamba. ...Respondents

##### Appearances:

For the Workman : Sh. I.S. Jaryl A.R.

For the Management : Sh. Kailash Sharma Adv.

#### AWARD

Passed on 6.6.2014

Central Government vide Notification No. L-40011/7/2011 IR(DU) Dated 2.6.2011, by exercising its powers under Section 10 Sub-section (1) Clause (d) and Sub-section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial dispute for adjudication to this Tribunal:-

"Whether the action of the management of the Bharat Sanchar Nigam Limited for not converting the services of Sh. Chaman Singh into full time worker w.e.f. 17/5/2002 without adhering to policy of

conversion and provisions of Section 25B of Industrial Disputes Act, 1947, is legal and justified? What relief the workman is entitled to and from which date?"

In response to the notice the workman appeared and submitted statement of claim pleading that he was engaged as part-time worker in April, 1998 by the respondent management at Telephone Exchange, Kiani, where he worked till March, 1995. He fell sick, and thereafter, his wife Smt. Nirmala Devi was engaged in his place. The workman again joined the service in April, 1998 after recovering from sickness. That department issued instructions for converting part-time workers into whole time workers. The workman also appeared in the Office of the SDO for the purpose. But he was not treated as whole time worker. That the persons junior to him were converted into full time workers. The respondent management had pleaded that workman had completed only 233 working days for the period from 25.11.1999 to 31.8.2000 and was not eligible to be considered as whole time worker. That the management did not count Sundays and gazetted holidays and actually his working days comes to 270 days and he qualifies the criteria as laid down in the instructions.

It is further pleaded that the respondent management has not paid him the wages from November, 2004 onwards. It is further prayed that the respondent management be directed to count number of holidays including Sundays for calculating his period of service, to regularize his service w.e.f. 17.5.2002 and he be paid wages from 1.11.2002 onwards.

Respondent management filed written statement pleading that the workman was engaged w.e.f. 26.11.1999 as part-time worker for one hour duty and he abandoned his services in November, 2004. That workers who have completed 240 days are to be considered for conversion of whole time workers as per the instructions dated 25.8.2000 and since the workman did not put in requisite service, he was not eligible for conversion of his service to full time casual labourer. It is further pleaded that the workman has abandoned his services in November, 2004.

Parties were given opportunity to lead its evidence.

Sh. Chaman Lal workman appeared in the witness box and filed his affidavit reiterating the case as set out in the claim petition.

On the other hand management examined Kalyan Singh who filed his affidavit supporting the case of the management as set out in the written statement.

I have heard Sh. I.S. Jaryal, AR of the workman and Sh. Kailash Sharma, counsel for the management and have gone through the written arguments filed by the workman.

It was argued by the AR of the workman that as per instructions dated 25.8.2000 a part time casual labourer who worked for 240 days in the preceding 12 months was

to be converted into full time casual labourers and the workman was in service from November, 1999 to August, 2000 and the management did not count the holidays and Sundays who wrongly calculated the days as 233, whereas the workman completed 270 days. Thus he was eligible to be considered for conversion into a whole time casual labourer. The AR of the workman also carried me through Section 25B of the Act to submit that the workman continuously worked for 240 days and was eligible for conversion as a whole time casual labourer.

It is not disputed that the department issued instructions dated 25.8.2000 for conversion of part-time casual labourer working for less than 4 hours per day into full time casual labourers. Its Clause (i) to (iii) read as follows-

- (i) As one time relaxation, Part Time Casual Labourers with less than 4 hours of duty per day who have worked for 240 days in the preceding 12 months may be converted into full time casual labourers. This will be applicable only to the extent of the numbers indicated against respective field units in the Annexure (the figures are based on the information furnished by the Circles themselves) and it will further be subject to the conditions mentioned in the following paragraphs.
- (ii) They should be engaged as casual labourers subject to suitability and qualifications.
- (iii) They should be engaged as casual Labourers only where there is shortage of Gr. 'D' staff (i.e. existence of vacant Gr.'D' posts after accounting for all temporary status mazdoors (TSMs) and existing full time casual labourers and no posts should be created for this purpose).

Thus as per instruction a part-time casual labourer who worked for 240 days in the preceding 12 months were to be converted into full time casual labourer provided he is otherwise suitable and there was no shortage of group 'D' staff.

The workman himself relied on the information supplied by the management under the RTI Act (Annexure P15) wherein following period is mentioned during which the workman worked:-

Vr No.12	period 11/1999	-	04 days
Vr No.13	period 12/1999	-	26 days
Vr No.19	period 1/2000	-	25 days
Vr No.20	period 2/2000	-	25 days
Vr No.21	period 3/2000	-	25 days

VrNo.22	period 4/2000	-	25 days
VrNo.23	period 5/2000	-	27 days
Attendance report of Jun, 2000	-	25 days	
Attendance report of July, 2000	-	26 days	
Attendance report of August, 2000	-	25 days	

The total days comes to 230 days when calculated.

Now according to Mr. I.S. Jaryal, AR of the workman, the management did not include the holidays and Sundays from November, 1999 to August, 2000 and when the same are included the working days comes to 270 days and as such the workman fulfilled the criteria as laid down under the instruction dated 25.8.2000 and he was to be converted as full time casual labourer as per the said policy and Section 25B of the Act.

Along with the information regarding the working days of the workman, the department, also furnished the vouchers for making payment to him showing that he was paid wages only for 233 days during the period in question and not for 270 days as argued by AR of the workman.

The working days are to be counted as 233 days for which he was paid and not for all the days falling during the period in question and it cannot be held that the workman had worked for 270 days during the period in question.

Moreover no evidence has been led on the file that there was any shortage of Group 'D' staff in the concerned office at the relevant time and in the absence of this evidence, as per guidelines and reproduced above, the workman was not entitled to be made full time casual labourer.

The workman has claimed wages from April, 1998 to November, 1999 and from 1.11.2004 onwards. But this controversy is not covered under the reference.

For the foregoing reasons, it is held that the action of the management for not converting the services of the workman into full time worker is legal and justified and workman is not entitled to any relief and reference is accordingly answered against him. Let hard and soft copy of the award be sent to the Central Government for further necessary action.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 22 जुलाई, 2014

**का.आ. 2170.—**ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार जनरल मैनेजर कॉल डैम हाइड्रोइलेक्ट्रिक पावर प्रोजेक्ट एनटीपीसी एण्ड अदर्स, के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण एवं

श्रम न्यायालय-2, चंडीगढ़ के पंचाट (संदर्भ संख्या 228/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18/07/2014 को प्राप्त हुआ था।

[सं. एल. 42012/293/2010-आई आर (डीयू)]

पी. के. वेणुगोपाल, अनुभाग अधिकारी

New Delhi, the 22nd July, 2014

**S.O. 2170.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 228/2012) of the Cent. Govt. Indus. Tribunal/Labour Court-II, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of the General Manager, Kol Dam Hydro Electric Power Project, NTPC & Others, and their workman, which was received by the Central Government on 18/07/2014.

[No. L-40012/293/2010 - IR (DU)]

P. K. VENUGOPAL, Section Officer

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

##### Present:

Sri KEWAL KRISHAN, Presiding Officer

**Case No. I.D. 228/2012**

Registered on 23.1.2012

Sh. Ramesh Kumar,  
S/o Sh. Mado Ram,  
Village Khatpur,  
Post Office Markanda,  
Tehsil Sadar,  
Dist. Bilaspur (HP).

...Petitioner

##### Versus

1. The General Manager,  
Kol Dam Hydro Electric Power Project,  
NTPC, VPO Barmana,  
Disst. Bilaspur (HP)

2. M/s. UR Infrastructure  
Company Pvt. Ltd.  
Village Chamb, Post Office Harnora,  
Dist. Bilaspur

3. The Project Manager,  
Italian Thai Development  
Company Ltd. Kol  
Dam Hydro Electric Power Project,  
Village Kayan, P.O. Slapper,  
Tehsil Sunder Nagar, Mandi

... Respondents

**Appearances:**

For the workman : Ex parte.

For the Management : Sh. V.P. Singh for Resp. No.1  
Respondent No.2 ex parte  
Sh. H.R. Sharma for Resp. No. 3

**AWARD**

Passed on 3.6.2014

Central Government vide Notification No. L-42012/293/2010-IR(DU) Dated 29.12.2011, by exercising its powers under Section 10 sub-section (1) Clause (d) and sub-section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as ‘Act’) has referred the following Industrial dispute for adjudication to this Tribunal:-

“Whether retrenchment of services of Sh. Ramesh Kumar S/o Sh. Mado Ram, Khatpur, Bilaspur w.e.f. 3.9.2008 by the management of M/s. U.R. Infrastructure Company Private Limited, Chamb, Bilaspur sub-contractor of M/s. Italian Thai Development Public Limited a contractor of M/s. NTPC Limited without following the principle of ‘Last Come First Go’, is legal and justified? What relief the workman is entitled from the employer?”

On receipt of the reference notice was issued to the workman through registered cover. He did not appear and was proceeded against ex parte vide order dated 17.2.2014.

Since the workman was proceeded against ex parte, he did not submit any statement of claim and as such there is nothing on the file that his services were illegally terminated. In result, the reference is answered against the workman and he is not entitled to any relief. Let hard and soft copy of the award be sent to Central Government for further necessary action.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 22 जुलाई, 2014

**का.आ. 2171.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सुपरिन्टेंडेन्ट ऑफ पोस्ट ओफिसेस, नागपट्टिनम डिवीजन के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 6/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18/07/2014 को प्राप्त हुआ था।

[सं. एल-40011/71/2013-आईआर (डीयू)]

पी. के. वेणुगोपाल, अनुभाग अधिकारी

New Delhi, the 22nd July, 2014

**S.O. 2171.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 6/2014)

of the Cent. Govt. Indus. Tribunal/Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Superintendent of Post Offices, Nagapattinam Division and their workman, which was received by the Central Government on 18/07/2014.

[No. L-40011/71/2013 - IR (DU)]

P. K. VENUGOPAL, Section Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
CHENNAI**

Friday, the 4<sup>th</sup> July, 2014

**Present :**

K. P. PRASANNA KUMARI, Presiding Officer

**Industrial Dispute No. 6/2014**

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Superintendent of Post Offices and their workman)

**Between**

The Divisional Secretary : 1<sup>st</sup> Party/Petitioner  
All India Postal Employees  
Union Postman & MTS  
Nagapattinam Division  
Nagapattinam-611001

**And**

The Superintendent of Post Offices : 2<sup>nd</sup> Party Respondent  
Nagapattinam Division  
Nagapattinam-611001

**Appearance:**

For the 1<sup>st</sup> Party/Petitioner : M/s. K. M. Ramesh,  
Advocates

For the 2<sup>nd</sup> Party/Respondent : Set Ex parte

**AWARD**

The Central Government, Ministry of Labour & Employment vide its Order No. L-40011/71/2013-IR (DU) dated 15.01.2014 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

“Whether the demand of the Union in restoration of two posts of postman and cancellation of order No. A1/119/Delivery-digs dated 30.04.2012 for reduction of delivery beats by the Supdt. of Post Offices, Nagapattinam Division, is legal and justified? If so, to what relief the Union is entitled?”

2. On receipt of the Industrial Dispute this Tribunal has numbered it as ID 6/2014 and issued notices to both sides. The petitioner has entered appearance through his counsel and filed Claim Statement. Though the Respondent received notice, he remained absent and has been set ex-parte.

3. The petitioner is the Divisional Secretary of All India Postal employees Union, Postman and MTS of Nagapattinam Division. The dispute was raised on account of the grievance of the employees of the division consequent to the reduction of delivery beats of Nagapattinam Head Post Office from 12 to 10 w.e.f. 16.07.2012. According to the petitioner, Nagapattinam which is a selection grade municipality has 36 wards and has a populous of around 1 lakh. The Director General, Departments of Posts, New Delhi has prescribed that the work time for one Postman per day as 450 minutes. Additional duty of making data entry 80 minutes, 60 minutes in the morning and 20 minutes in the evening has been given to the Postmen. The Management has collected statistics to review the Postman establishment of Nagapattinam Head Post Office with reference to revised job items prescribed for Postman. On the basis of the time factor stipulated for each item of job they have concluded that the posts of 10 Postman will be sufficient. According to the petitioner the Management has arrived at such a conclusion without taking into account the duty of data entry of 80 minutes for each Postman. It is also stated by the petitioner that the Management has collected statistics of only 6 working days to arrive at such a conclusion. According to the petitioner, Nagapattinam Head Post Office is to handle 5000 old age Pension Money Orders every month. It is stated that the Management has not taken this into account, while calculating the number of Money Orders to be dealt with by the Postman. According to the Petitioner Union, the average traffic of posts handled by the Nagapattinam Post Office could be found out only by compiling the statistics for 25 working days, for a whole month. It is also alleged by the petitioner that the Management had brought into effect its order reducing the number of Postman from 12 to 10 w.e.f. 16.07.2012, while conciliation proceedings was pending, in violation of Section-33 of Industrial Disputes Act. The petitioner had demanded that the order of the Management dated 30.04.2012 bringing down the number of Postman is to be cancelled and the Management is to be directed to restore the previous strength of the Postman establishment of Nagapattinam and also to revise the method of computing work hour statement of the establishment by compiling statistics for a month of 25 working days and also to pay compensation to all the 10 Postman on duty w.e.f. 16.07.2012 till date for shouldering the additional work of retrenched posts, by equally

distributing the minimum wage payable to the post among them.

4. The petitioner has marked Ext.W1 to Ext.W10 on its side. No oral evidence was adduced by the petitioner.

5. The points to be considered are:

- (i) Whether the demands raised by the petitioner are legal and justified?
- (ii) What is the relief, if any to which the petitioner is entitled?

### The Points

6. The petitioner who is the Divisional Secretary of the Union has filed Proof Affidavit to substantiate the case. The petitioner has reiterated his case in the petition, in the affidavit filed by him.

7. It is apparent from the documents and affidavit of the petitioner that the Respondent has reduced the number of delivery beats of Nagapattinam Post Office from 12 to 10 w.e.f. 16.07.2012. If the Claim Statement and the affidavit of the petitioner are taken into account the Respondent has not made a scientific re-assessment of the actual work under the Nagapattinam Post Office before taking the decision to reduce the number of beats. It is seen from Claim Statement and the affidavit that the statistics of only a week was taken into account for assessing the work requirement. This statistics for one week will not reflect the actual work requirement, according to the petitioner. It is pointed out in the affidavit of the petitioner that the old age pension money orders of about 5000 in number every month were not taken into account while compiling the statistics. It is further pointed out that the additional duty of data entry of 80 minutes each given to the Postman also were not taken into account while reducing the number.

8. The petitioner has given notice of strike demanding restoration of previous position so far as the number of Postman are concerned. It seems, during conciliation proceedings, the Management has implemented its decision to reduce the number of delivery beats from 12 to 10.

9. The Management has not come forward to contest the case. Even though notice was received it has remained absent. No data is available against the facts put forward by the petitioner through the documents and the affidavit. In the circumstances, I am inclined to allow the demand of the petitioner to restore the strength of the Postman of the establishment. It is for the Management to compile the statistics of the Nagapattinam Post Office for all the working days of an entire month and to make a reassessment of the work requirement and fix the number of delivery beats required. Though there is a claim for compensation for the added responsibility done by the 10 Postman, there is no

evidence to show that they worked for extra hours or have done extra work so they are not entitled to any compensation.

10. In view of my discussion above, an award is passed as follows:

“The Respondent is directed to revise the method of computing work hour statement of Postman establishment by compiling statistics for a month of 25 working days and re-fix the number of delivery beats required”.

“The Respondent is also directed to restore the strength of Postman establishment of Nagapattinam Head Post Office to 12 until re-fixation is done in the above manner”.

The reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 4<sup>th</sup> July, 2014)

K. P. PRASANNA KUMARI, Presiding Officer

#### **Witnesses Examined :**

For the 1<sup>st</sup> Party/Petitioner : None

For the 2<sup>nd</sup> Party/Management : None

#### **Documents Marked:**

#### **On the petitioner's side**

Ex.No.	Date	Description
1	2	3
Ex.W1	05.02.2010	Copy of Note below Directorate letter no. 9-1/2005/WSI/PEI
Ex.W2	05.02.2010	Copy of Directorate letter no. 9-1/2005/WSI/PEI
Ex.W3	25.11.2008	Copy of Directorate letter no. 25-20/2008 PE.I
Ex.W4	25.02.2012	Copy of work hour statement for postman establishment of Nagapattinam HO
Ex.W5	04.09.2012	Copy of complaint filed by Petitioner Union before ALC Puducherry under Section-33 of ID Act, 1947
Ex.W6	09.05.2012	Copy of notice of strike issued by the petitioner with annexure
Ex.W7	21.05.2012	Copy of notice issued by the Asstt. Labour Commissioner (Central), Pondicherry to the Petitioner and Respondent

	1	2	3
Ex.W8	06.06.2012	Copy of the remarks submitted	
Ex.W9	16.06.2012	Copy of reply submitted by the Petitioner before the Asstt. Labour Commissioner (Central), Pondicherry	
Ex.W10	11.07.2012	Copy of letter submitted by the Petitioner to the Asstt. Labour Commissioner (Central), Pondicherry	

#### **On the Management's side**

Ex.No.	Date	Description
		Nil

नई दिल्ली, 23 जुलाई, 2014

**का.आ. 2172.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कमांडेंट, 509 आर्मी बेस वर्कशॉप, आगरा के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुवंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 20/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/07/2014 को प्राप्त हुआ था।

[सं. एल-14011/03/2007-आईआर (डीयू)]

पी. के. वेणुगोपाल, अनुभाग अधिकारी

New Delhi, the 23rd July, 2014

**S.O. 2172.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 20/2007) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Lucknow now as shown in the Annexure, in the industrial dispute between the employers in relations to the management of Commandant, 509 Army Base Workshop, Agra and their workman, which was received by the Central Government on 23/07/2014.

[No. L-14011/03/2007 - IR (DU)]

P. K. VENUGOPAL, Section Officer

#### **ANNEXURE**

#### **CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW**

#### **Present:**

Dr. MANJU NIGAM, Presiding Officer

**I.D. No. 20/2007**

Ref. No. L-14011/3/2007-IR (DU) dated: 21.05.2007

**Between:**

The General Secretary  
509, Employees Union  
Agra Office, 37/31, Buntu Katra  
Agra (U.P.) – 11

AND

The Commandant  
509 Army Base Workshop  
Agra (U.P.)

**AWARD**

1. By order No. L-14011/3/2007-IR (DU) dated: 21.05.2007 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between the General Secretary, 509, Employees Union, Agra Office, 37/31, Buntu Katra, Agra (U.P.) and the Commandant, 509 Army Base Workshop, Agra (U.P.) for adjudication to this CGIT-cum-Labour Court, Lucknow.

2. The reference under adjudication is:

**“WHETHER THE ACTION OF THE MANAGEMENT OF 509 ARMY BASE WORKSHOP IN NOT MAKING PROVISION FOR CRÈCHE, IN SPITE OF HAVING OVER 30 FEMALE WORKERS, IS LEGAL AND JUSTIFIED? IF NOT, TO WHAT RELIEF THE UNION/WORKMEN ARE ENTITLED TO?”**

3. It is admitted case of the parties that the opposite party i.e. 509 Army Base Workshop is governed by the Factory Act, 1948 (63 of 1948) and Section 48 of the Factory Act, 1948 lays provision for Creches in every factory wherein more than thirty women workers are ordinarily employed. It is also admitted that presently the total strength of employees of the Workshop as on 31.07.2007 was 1043 with overall strength of women employees to be 68.

4. It has been alleged by the workmen's union that the management of Workshop 'intentionally' did not make any arrangement for Creches in violation to the Section 48 of the Factories Act, 1948 causing female workers problem in upcoming their children as well extra financial burden on them. Accordingly, the workmen's union has prayed that the each worker be compensated to the tune of Rs. 400/- per month, for not setting up Creches by the management.

5. The management of Workshop has denied the allegation of workmen's union that it is 'intentionally' not making provision of Creches. It is submitted that although there are 68 women employees in the workshop; but there are only 18 women in need of Creche facility; besides this

fact the efforts are being made for setting up ladies room cum Creche and the women employees vide letter dated 20.09.2005 had been informed that the case to proved the facility of Creche is under progress. Accordingly, it has been prayed that the claim of the workman's union be rejected being devoid of any merit.

6. The workman's union has field its rejoinder; wherein it has reiterated the averments already made in the statement of claim and has introduced nothing new.

7. The parties filed documentary evidence in support of their rival contentions. The workman's union has examined Shri S.N. Singh, General Secretary of the union; whereas the management examined Lt. Col. Ajit Singh in support of their claim. The parties availed opportunity to cross-examine the each other's witnesses apart from forwarding oral arguments.

8. Heard the representatives of the parties and perused entire material on record.

9. The authorized representative of the workman's union has argued that the management of Workshop deliberately did not make any arrangement for Creche, in violation to Section 48 of the Factories Act, 1948; thereby causing pecuniary loss to the workman, therefore, they are required to be compensated.

10. Per contra, the authorized representative of the management has contended that it made every sincere effort to get the facility of Creche provided to the workmen; but it could not be fructified yet. However, it has also contended that although the Act has made provision for setting up of a Creche in the establishment with female strength of 30; but presently only 18 women employees may be identified for the need of Creche facility.

11. I have given my thoughtful consideration to the submissions of the authorized representatives, pleadings of the parties and entire evidence adduced by the either parties, documentary as well as oral.

12. Admittedly, the case of the parties regarding extending Creche facility to the female workers in a Factory, rests on the statutory provisions provided under Section 48 of the Factories Act, 1948; which reads as under:

**“48. Creches. – (1) In every factory wherein more than thirty women workers are ordinarily employed there shall be provided and maintained a suitable room or rooms for the use of children under the age of six years of such women.**

**(2) Such rooms shall provide adequate accommodation, shall be adequately lighted and ventilated, shall be maintained in a clean and sanitary condition and shall be under the charge of women trained in the care of children and infants.**

(3) The State Government may make rules –

- (a) prescribing the location and the standards in respect of constructing, accommodation, furniture and other equipment of rooms to be provided under this section;
- (b) requiring the provisions in factories to which this section applies of additional facilities for the care of children belonging to women workers, including suitable provision of facilities for washing and changing their clothing;
- (c) requiring the provision in any factory of free milk or refreshment or both for such children;
- (d) requiring that facilities shall be given in any factory for the mothers of such children to feed them at the necessary intervals."

From perusal of above statutory provision it becomes crystal clear that in every factory where more than thirty women workers are employed, the management of such factory is required to maintain Creche for the use of children of such women workers under the age of six years. It is also provided in the statute that such Creche shall be maintained in a clean and sanitary condition under supervision of women, trained in the care of children and infants. It also requires that facility of washing and changing the clothes of children and free milk or refreshment.

13. The management witness has admitted that under provisions of Section 48 (1) of the Factories Act, 1948, Creche facility should be provided in any Factory/ Workshop having more than 30 women employees. He has stated vide para 2 of its affidavit that presently there are 67 women employees (Industrial and non-industrial – Class III and IV) in the workshop and despite this fact only 21 women employees may be identified for need of crèche facility.

The management of the workshop has tried to plead that the Act provides that where more than 30 women workers are working, provision for Creche is mandatory; and although the strength of women employees at present is 67, the number of women employees who are actually in need of Creche facility only 21. It is also submitted that the union's case is also for 22 workers; hence the demand of providing crèche facility is not legitimate nor covered under the provisions of the Factories Act, 1948.

Considering the above stand of management in the context of provisions of Section 48 (1) of the Factories Act, 1948, it becomes apparent that the Act provides for making provision for Creche when more than 30 women workers are there, it does not indicate for number of women workers who actually in need of Creche facility. From reading of Section 48 (1) of the Act, it comes out that once

the strength of workmen employees crosses 30, provision of Creche has to be made, irrespective of number of women who are actually in need of it.

14. The management witness has also admitted in his cross-examination that in the year 2007 the case for making provision for Creche was sent by Stn. HQ to UB, Area HQ, Barielly. This goes to show that the management is also in agreement that there should be provision of Creche in their establishment and they are in process of getting sanction of the Competent Authority in respect of funds etc. He also admitted that in absence of Creche facility the women workers are allowed to visit their homes for 1-1/2 hours, for looking after their children during working hours.

15. Thus, from the facts and circumstances of the case and statutory provision laid down in the Factories Act, 1948, I am of opinion that the action of the management of 509 Army Base Workshop in not making provision for crèche, in spite of having over 30 female workers is neither legal nor justified. Now the question arises as to what relief could be extended to such women employees of the Workshop who were in need of Creche facility.

16. The workman's union has espoused cases of as many as 22 female workers and it has prayed that each of them may be compensated @ Rs. 4000/- to each of their children up to the age of 06 years since their birth. In this regard it has been prayed that each worker must be paid Rs. 3450/- for servant and Rs. 550/- of other expenses, including washing, cloth, soap, milk and refreshment etc. In the statement showing consolidated demand for monetary relief, the workman's union has given details of date of birth of children; but has not filed any cogent and reliable evidence in support of its pleadings, like birth certificate of children to prove their age and the number of children. Apart from this the above statement has not been proved by the union's witness during their evidence before this Tribunal. The workers whose causes has been espoused have not come forward with the oral evidence nor any details have been filed by the union that the workers have engaged any servant or maid to look after their children. Likewise no document has been filed regarding expenses incurred on washing, cloth, soap, milk and refreshment etc. as claimed by the workman's union.

17. Therefore, in view of the discussions made hereinabove, there is no reliable material on record to ascertain that the workers have as many as children as shown by them in the statement and they have actually incurred the amount, claimed in the statement. Hence, the union/workmen are not entitled for any relief.

18. The reference is answered accordingly.

Lucknow  
09<sup>th</sup> July, 2014

Dr. MANJU NIGAM, Presiding Officer

नई दिल्ली, 23 जुलाई 2014

**का.आ. 2173.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सुपरिनेन्डेन्ट ऑफ पोस्ट ऑफिसिस एण्ड अर्दस के प्रबंधतंत्र के संबंद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 57/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/07/2014 को प्राप्त हुआ था।

[सं. एल-40012/45/2007-आईआर (डीयू)]

पी. के. वेणुगोपाल, अनुभाग अधिकारी

New Delhi, the 23rd July, 2014

**S.O. 2173.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 57/2002) of the Cent. Govt. Indus. Tribunal/Labour Court, Lucknow now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Superintendent of Post Offices & Others, and their workman, which was received by the Central Government on 23/07/2014.

[No. L-40012/45/2007 - IR (DU)]

P. K. VENUGOPAL, Section Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

##### Present:

Dr. MANJU NIGAM, Presiding Officer

I.D. No. 57/2002

Ref. No. L-40012/45/2007-IR (DU) dated: 12.10.2007

##### Between:

Shri Yogender Singh S/o Shri Latoori Singh  
Vill & PO: Dashera  
Bulandshahar (U.P.)

##### AND

1. The Supdt. of Post Offices  
Department of Post,  
Bulandshahar Division, HPO  
Bulandshahar (U.P.) – 203 001
2. The Post Master General  
Agra Region, Department of Post  
GPO Compound, Mall Road  
Agra (U.P.)

#### AWARD

1. By order No. L-40012/45/2007-IR (DU) dated: 12.10.2007 the Central Government in the Ministry of

Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Shri Yogender Singh S/o Shri Latoori Singh, Vill & PO: Dashera, Bulandshahar (U.P.) and the Supdt. of Post Offices, Department of Post, Bulandsahar Division, HPO, Bulandshahar (U.P.) & the Post Master General, Agra Region, Department of Post, GPO Compound, Mall Road, Agra (U.P.) for adjudication to this CGIT-cum-Labour Court, Lucknow.

##### 2. The reference under adjudication is:

“WHETHER THE ACTION OF THE MANAGEMENT OF POST MASTER GENERAL, AGRA, IN TERMINATING THE SERVICES OF THEIR WORKMAN SHRI YOGENDER SINGH W.E.F. 27.10.2004 IS LEGAL AND JUSTIFIED? IF NOT, TO WHAT RELIEF THE WORKMAN IS ENTITLED TO?”

3. It is admitted case of the parties that the workman, Yogendera Singh had been engaged as Gramin Dak Sewak w.e.f. 01.2.2003 and later on was appointed provisionally vide order dated 09.08.2003 and his services were terminated vide order dated 27.10.2004. Being aggrieved from the termination, the workman preferred an original application No. 283/2005 before CAT, New Delhi which directed the management of Post Office vide order dated 23.02.2005 to consider the appeal of the workman against his termination by a reasoned order. The management vide order dated 11.05.2005 rejected the appeal of the workman.

4. The workman has stated that after his initial engagement on 01.02.2003, he applied against the advertisement dated 08.05.2003 and after due selection, as per process, he was appointed vide office order dated 09.08.2003. It is alleged by the workman that he worked for more than 240 days in a year and the management while terminating his services did not comply with the provisions of Section 25 F of the Industrial Disputes Act, 1947 i.e. did not give any notice or notice pay in lieu thereof. It is also alleged that in spite of directions of the CAT, New Delhi, the management rejected the representation preferred by him on 11.05.2005 in a very mechanical, arbitrary and perverse manner without proper application of mind. Accordingly, the workman has prayed that he be reinstated with full back wages and other consequential benefits.

5. The management of the post office while denying the allegation has submitted that it is not an ‘industry’ within the purview of section 2 ‘j’ of the Act. It has also submitted that the initial engagement of the workman on 01.02.2003 and subsequent appointment on 09.08.2003 was irregular as the same was made by the ASPO, Khurja

without permission for engagement/appointment from the Superintendent of Post Offices, Bulandshahar; hence the workman was rightly been terminated. It is also submitted that his representation was rejected after considering all the aspects involved in the case. Accordingly, the management has prayed that the claim of the workman be rejected being devoid of merit.

6. The workman has filed its rejoinder; wherein apart from reiterating the averments already made in the statement of claim, the workman has submitted that the post office comes within the purview of ‘industry’ as defined in the Industrial Disputes Act, 1947.

7. The parties filed documentary evidence in support of their rival contentions. The workman examined himself; whereas the management examined Shri P.K. Singh, Superintendent of Post Offices in support of their claim. The parties availed opportunity to cross-examine each other’s witnesses apart from forwarding oral arguments.

8. Heard the representatives of the parties and perused entire material on record.

9. The authorized representative of the workman has argued that the workman had applied in pursuance to an advertisement and after due selection; hence his appointment was regular one and he worked from 01.02.2003 to 27.10.2004 continuously for more than 240 days in one calendar year, therefore, it was obligatory for the management to comply with the provisions of Section 25 F of the I.D. Act i.e. giving notice or notice pay in lieu thereof. It was contended that since the management failed to do so therefore, the workman should be reinstated with full back wages. Besides it was also submitted that the department of Post Offices is an ‘industry’ as it is indulged in commercial activity.

10. The argument for the management is that the Post Office does not come within the purview of ‘industry’ as defined in Section 2 ‘j’ of the Act. It was argued that the engagement/appointment of the workman was irregular as the same was made by ASPOs, Khurja without approval of the Superintendent of Post Offices, Bulandshahar and the appointment process/formalities were not adopted as per rules and regulations. It is also contended that since the appointment of the workman was irregular one there was no need to give him personal hearing or notice or notice pay in lieu thereof.

11. I have given my thoughtful consideration to the submissions of the authorized representatives, pleadings of the parties and entire evidence adduced by the either parties, documentary as well as oral.

12. The case of the workman in nut shell is that he was engaged/appointed vide order dated 09.08.2003 following due selection procedure and he had worked from 01.02.2003 to 27.10.2004 for more than 240 days in a calendar year; but his services have been terminated without

following mandatory provisions of Section 25 F of the Industrial Disputes Act, which makes him entitled for reinstatement in the services.

13. Per contra, the case of the management rests on the plea that Post Office is not an industry and the engagement/appointment of the workman as irregular as the same was made without following Rules and approval of the SPO, therefore, there was no need of complying with any of the provisions of the Industrial Disputes Act.

14. Hon’ble Apex Court in Bangalore Water Supply & Sewerage Board vs. A Rajappa & others (1978) 2 SCC 213 case has observed that

“absence of profit motive or gainful objective is irrelevant, be the venture in the public, joint, private or other sector.”

Hon’ble Apex Court has further observed that

“Where (i) systematic activity (ii) organized by co-operation between employer and employee (the direct and substantial element is commercial (iii) for the production and/or distribution of goods and services calculated to satisfy human wants and wishes (not spiritual or religious but inclusive of material things or services geared to celestial bliss i.e. making on a large scale Prasad or food) prima facie, there is an industry in that enterprise.”

The management has contended that Hon’ble Apex Court in State of U.P. vs. Jai Bir Singh (2005) 5 SCC 1 has held that the Bangalore Water Supply case requires reconsideration by a larger bench and accordingly prayed the Hon’ble Chief Justice of India for constituting a larger Bench for reconsideration of the judgment in the case of Bangalore Water Supply. But there is no evidence to show that the Bangalore Water Supply case has been overruled by the Hon’ble Apex Court, therefore, the law laid down by Hon’ble Apex Court in the Bangalore Water Supply case still holds good.

In General Manager, Telecom vs. S. Srinivasa Rao & others 1998 LLR 8; wherein it has been held by Hon’ble Apex Court that the Telecommunication Department is an ‘industry’ within the definition of Section 2(j) of the Industrial Disputes Act, 1947 because it is engaged in a commercial activity and is not discharging any of the sovereign functions of the State.

It is well known that the Department of Post is indulged in transporting letters, money orders, parcels etc. from one place to another within the country and overseas also and for this they charge fee in form of postage stamp or in cash. Thus, the safe movement of articles from one place to another could be done only when it is systematic and there exists proper management/co-operation between the employer and employee of the department concerned. Further, the services provided by the postal department are very much to satisfy the human

wants. Moreover, the activity run by the postal department is not 'sovereign' in the nature.

Thus, in view of facts and circumstances of the case and above legal prepositions, I am of opinion that the opposite party management i.e. post office is at par with the other courier companies, indulge in commercial activity and not engaged in any sovereign function of the State; and accordingly, come to the conclusion that the opposite party is an 'industry' within the provisions of Section 2 (j) of the Industrial Disputes Act, 1947.

15. Now coming to the merit of the case, the main contention of the workman is that he had been engaged following selection procedure and worked continuously from 01.02.2003 to 27.0.10.2004 for more than 240 days in a calendar year but his services have been terminated in violation to the mandatory provisions of Section 25 F of the Act. In Surenderanagar Panchayat and another v. Jethabhai Pitamberbhai 2005 (107) FLR 1145 (SC) Hon'ble Apex Court came to the conclusion that the workman could be entitled for the protection of section 25 – F of the Industrial Disputes Act, 1947 provided he is successful in establishing the fact that he had been in employment with the employer for a period of 240 days uninterruptedly. It was held by the Hon'ble Supreme Court that in such cases, the scope of the enquiry before the Labour Court was confined only to 12 months preceding the date of termination to decide the question of the continuous service for the purpose of section 25-F of the Industrial Disputes Act, 1947.

16. The management vide para 23 of its written statement has admitted this fact that the workman had rendered services from 01.02.2003 to 27.10.2004. It is specifically stated in the written statement that the workman worked as a substitute from 01.02.2003 to 18.08.2003 and from 19.08.2003 to 27.10.2004 as provisional appointee. This amounts to admission that the workman worked from 01.02.2003 to 27.10.2004 for 269 in total. Thus, there is ample evidence to record this finding that the workman had actually worked for 269 days in preceding twelve months from the date of his alleged termination i.e. 27.10.2003 and oral termination of his services, without any notice or notice pay in lieu thereof, was in violation of the section 25 F of the I.D. Act. The Act provides that when a person is engaged as a daily worker or casual worker or temporary worker and he completes 240 days of working in a year then while terminating his services mandatory provisions of Section 25 F has to be followed i.e. he should be given one months notice or notice pay in lieu thereof prior to his termination. The Act does not provide any discrimination regarding observance of provisions of Section 25 F between such workers who have been engaged/appointed either after following due procedure or not.

17. Now, it is to be considered as to whether the workman is entitled for reinstatement. From the evidence

produced by the workman it is not proved that his appointment was as a regular worker. The appointment order dated 09.08.2003, relied on workman, reads as under:

"No. B/GDS/Kisorepur/03  
Dated: 09.08.2003

Whereas the post of GDS Kishorepur fallen vacant due to appointment of Shri Ved Prakash GDS a BPM, Kishorpur in performance .....

Shri Yogendra Singh son of Shri Latoor Singh VPO Devsa, District – Bulandshahar is provisionally appointed as GDS MP Kishorepur viz Shri Ved Prakash.

Shri Yogendra Singh should clearly understand that he will be terminated when Shri Ved Prakash will join back on his own post at any time without notice. He will be governed under GDS Conduct/recruitment Rule, 2001.

If these conditions are acceptable to said Shri Yogendra Singh, he will sign on one copy of ..... to his copy.

-Sd-  
(xxxxxxxxx)"

From perusal of above appointment order it is clear that the appointment of the workman was 'provisional' with condition that the same will be terminated when Shri Ved Prakash returns back on his post. The workman had full knowledge of his terms of appointment being provisional one and he was in full agreement to the above conditions. Therefore, the termination of the workman vide order dated 27.10.2004 on joining back of Shri Ved Prakash on the post cannot be held to be illegal. However, the same was unjustified in view of non-compliance of the mandatory provisions of Section 25 F of the Act, since he was entitled for retrenchment compensation as he completed 269 days of continuous working in twelve preceding months from the date of termination i.e. 27.10.2004. Admittedly, the services of the workman were terminated on 27.10.2004. In (2005) 5 SCC 591; 2005 SCC (L&S) 716 between Haryana Roadways vs. Rudhan Singh Hon'ble Apex Court while considering the question regarding award of back wages has observed:

"There is no rule of thumb that in every case where the Industrial Tribunal gives a finding that the termination of service was in violation of section 25 F of the Act, entire back wages should be awarded ..... However, where the total length of service rendered by a workman is very small, the award of back wages for the complete period i.e. from the date of termination till the date of the award, which our experience shows is often quite large, would be wholly inappropriate. Another important factor, which required to be taken into consideration, is the nature of employment. A regular service of permanent character cannot be compared to short or intermittent daily wage employment though it may be for 240 days in a calander year."

21. In 2008 (9119) FLR 877 Deepak Ganpat Tari vs. N.E. Theater Pvt. Ltd. Hon'ble Bombay High Court relying on the Hon'ble Apex Court's judgment in 2008 (117) FLR 1086 (SC) A P V K Brahmandam 2008 (118) FLR 376 (SC) Telephone DM vs. Keshab Deb 2006 (111) FLR 1178 (SC) JDA vs. Ram Sahai, while awarding compensation of Rs. 1,50,000/- to the concerned workman considering his daily wages as Rs. 45/- in view of the fact that the workman had put in about 3 years of service, has observed as under:

"It is apparent that termination of services of a daily wager does not amount to retrenchment and for violation of section 25 F in such circumstances, the employee cannot be given benefit of reinstatement with continuity and back wages. Hon'ble Apex Court has hold that in such circumstance employee is entitled to benefit of compensation only."

22. Also, in Jagbir Singh v. Haryana State Agriculture Mktg. Board (2009) 15 SCC 327 : (2010) 1 SCC (L&S) 545: Senior Superintendent Telegraph (Traffic), Bhopal v. Santosh Kumar Seal and others (2010) 2 SSC (L&S) 309 Hon'ble Apex Court has observed as under:

"However, in recent past, there has been a shift in the legal position and in a long line of cases, this Court has consistently taken the view that relief by way of reinstatement with back wages is not automatic and may be wholly inappropriate in a given fact situation even though the termination of an employee is in contravention of the prescribed procedure. Compensation instead of reinstatement has been held to meet the ends of justice.

The award of reinstatement with full back wages in a case where the workman has completed 240 days of work in a year preceding the date of termination, particularly, daily wagers has not been found to be proper by this Court and instead compensation has been awarded."

23. In the light of principle laid down in aforementioned case laws, it would not be just and proper to direct that the workman be reinstated in service. The ends of justice would meet by paying compensation to the workman instead in place of relief of reinstatement in service.

24. Having regards to these facts that the workman has worked as substitute on monthly payment of Rs. 2800 per month at the time of his alleged termination and keeping in view the entire facts of the case and the law, the interest of justice would be subserved, if, management is directed to pay lump sum amount of compensation only.

25. Accordingly, the management is directed to pay a sum of Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand only) to the workman as compensation in lump sum for termination of his services in violation of section 25 F of the I.D. Act. The said amount shall be paid to the workman

within 08 weeks of publication of the award, failing which; the same shall carry interest @ 6% per annum.

26. The reference is answered accordingly.

Lucknow  
08<sup>th</sup> July, 2014

Dr. MANJU NIGAM, Presiding Officer

नई दिल्ली, 23 जुलाई, 2014

**का.आ. 2174.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार चीफ इंजीनियर, बेतवा रिवर बोर्ड, झौंसी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 05/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/07/2014 को प्राप्त हुआ था।

[सं. एल-42011/99/2006-आईआर (डीयू)]

पी. के. वेणुगोपाल, अनुभाग अधिकारी

New Delhi, the 23rd July, 2014

**S.O. 2174.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 05/2007) of the Cent. Govt. Indus. Tribunal/Labour Court, Lucknow now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Chief Engineer, Betwa River Board, Jhansi and their workman, which was received by the Central Government on 23/07/2014.

[No. L-42011/99/2006 - IR (DU)]

P. K. VENUGOPAL, Section Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT LUCKNOW

##### Present:

Dr. MANJU NIGAM, Presiding Officer

I.D. No. 05/2007

Ref. No. L-42011/99/2006-IR (DU) dated: 19.03.2007

##### Between:

Shri Mithlesh Kumar Sharma,  
General Secretary  
Workcharge Karmchari Sangh  
Raj Ghat  
Lalitput (U.P.)

(Espousing cause of Shri Ghanshyam Dass Ahirwar)

AND

The Chief Engineer  
Betwa River Board  
Nandanpura Colony  
Jhansi

### AWARD

1. By order No. L-42011/99/2006-IR (DU) dated: 19.03.2007, the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Shri Mithlesh Kumar Sharma, General Secretary, Workcharge Karmchari Sangh, Raj Ghat, Lalitput and the Chief Engineer, Betwa River Board, Nandanpura Colony, Jhansi to CGIT-cum-Labour Court, Lucknow for adjudication.

2. The reference under adjudication is:

**"WHETHER THE ACTION OF THE MANAGEMENT OF BETWA RIVER BOARD, JHANSI IN REFUSING PROMOTION TO SHRI GHANSHYAM DASS AHIRWAR W.E.F. APRIL, 1995 I.E. THE DATE FROM WHICH HIS JUNIOR SHRI RAJAN SINGH JATAV WAS PROMOTED, IS LEGAL AND JUSTIFIED? IF NOT, TO WHAT RELIEF THE WORKMAN CONCERNED IS ENTITLED TO?"**

3. The case of the union, in brief, is that the workman, Ghanshyam Das was appointed by the opposite party on 22.09.80 on the post of clerk as time keeper in scale of Rs. 270-5-320. It is alleged by the union that the opposite party illegally promoted one Shri Ranjan Singh who was junior to the workman w.e.f. 03.04.95, denying promotion to the workman despite the fact that he was senior to the one promoted and possessed requisite qualifications etc. Accordingly, the union has prayed that the workman may be promoted and allowed to resume the work w.e.f. 03.04.95 on the post of Karya Parveshak, Grade-I in the pay scale of Rs. 1200-3-1560-EB-40-2040 with all consequential benefits.

4. The opposite party, Betwa River Board has filed its written statement, denying the allegations of the union and has submitted that the question of promotion of workman concerned was dependent upon the submission of the certificates pertaining to educational qualification by the workman and the same were not submitted by him before the Scrutiny Committee dealing with the promotion; which resulted into his non-consideration for promotion; and also, for consideration of Shri Ranjan Singh for promotion who had submitted all requisite documents with respect to his education qualifications. The management has further submitted that the workman was in full knowledge that he is supposed to submit certificates

regarding his educational qualification before the Scrutiny Committee.

5. The workman's union has filed rejoinder; wherein apart from reiterating submissions already made in the statement of claim it has stated that after having educational qualification of being Graduate he was given appointment on 22.09.80 and this fact has been entered in his Services Book. He has further submitted that all documents/certificates pertaining to educational qualifications were taken from him by the opposite party before giving him joining at the time of his appointment and on the basis of the same his Service Book was prepared and all these were available with the Scrutiny Committee then denial of promotion to him by the management and promoting a person who was junior to him is contrary to the Rules.

6. The parties have filed documentary evidence in support of their respective claim. The workman's union has examined its General Secretary; whereas the management has examined Shri O.P. Kalra, Assistant Engineer in support of their stands. The parties cross-examined the witnesses of each other as well as argued their case.

7. Heard arguments of the parties and perused entire evidence on record.

8. The workman's witness in cross-examination has stated that the workman had filed all the requisite documents before the Scrutiny committee. Paper No. 4/6/ to 4/17 are photocopy of the documents filed by the workman before Scrutiny Committee. It was further stated that the said documents were already in possession of the management.

9. Per contra, the management's witness stated that a Scrutiny Committee was constituted and all the officials/officers were made aware of its constitution and work. He further stated that the meeting of the said Committee held on 16.1.95, 17.1.95, 2.2.95, 8.2.95 and 9.2.95; but the workman neither produce any application nor appeared in person before the Committee and accordingly, considering the application before it, the Scrutiny Committee recommended the promotion of other officials including Rajan Singh; and accordingly, Rajan Singh was promoted vide letter dated 03.04.95 along with other officials. In cross-examination he stated that the promotions were not made on the basis of seniority only but also on the basis of experience and work ability of the official. It was also stated that had the workman submitted all papers he would have entitled for promotion; and if the workman has not been considered for promotion, it is because of his own fault/negligence for which management cannot be held responsible.

10. The authorized representative of the union has argued that the management had all requisite documents

with them which were provided by the workman at the time of his appointment and the management prepared his service book with the help of those documents, then the management cannot say that the certificates pertaining to his educational qualification were not available with the scrutiny committee. It was further argued that there was no advertisement for promotion nor any application were invited for the reasons that the promotion was required to be done on the basis of seniority and documents available in the Service Book. Therefore, the action of the management for not promoting workman was illegal.

11. In rebuttal the management's representative has contended that the workman did not submit his educational certificates before Scrutiny Committee, which resulted into his non-consideration by the committee. He has argued that the candidate who was promoted in workman's place was next in the seniority list and had submitted all requisite educational certificates, hence he was considered and subsequently recommended by the screening committee for promotion.

12. I have given my thoughtful consideration to the rival contentions of the parties and gone through evidence forwarded by the parties, oral as well as documentary.

13. The case of the workman's union is that the workman produced all the requisite documents in respect of educational qualifications before the Scrutiny Committee and management promoted other employee who was junior to him denying his promotion; whereas the management has contended that the workman neither moved proper application nor appeared before the Scrutiny Committee, therefore, the workman was not considered by the Scrutiny Committee for promotion.

14. The workman's union has specifically pleaded that the workman was given appointment on 22.09.80 on having educational qualification of Graduation and this fact has been entered in his Services Book and the same was before the Scrutiny Committee. It is also pleaded by the union that Rajan Singh was given appointment on 28.12.80 even not being Graduate. These facts are not rebutted by the management in its evidence.

Further, from perusal of entire pleadings and evidence led on behalf of the management it becomes apparent that the promotion process under question was sort of proforma promotion on the basis of seniority and fulfillment of educational qualification. The basic feature of the Departmental Promotion Committee or Scrutiny Committee in the present case, may differ from department to department; but it is very much essential that for considering the suitability of any candidate the most important document of an official is his Service Book and Annual Confidential Report (ACR). The Service Book has all details with respect to appointment, education qualification of an official as well as different import

junctures in the course of his services. Likewise the ACR provides a summary of annual performance and assessment of the official by the Reporting Officer, this facilitates the DPC/Scrutiny Committee to evaluate the capabilities of the official. The contention of the management that all the officials were called upon to produce their testimonials before Scrutiny Committee seems irrational in view of the fact that there was no need for calling such certificates as the same are supposed to be in the Service Book of the respective official. Moreover, the management could not produce any notice/office memorandum purported to call for filing of documents before the Scrutiny Committee by the officials/officers.

From perusal of the minutes of the Scrutiny Committee and page 02 (paper No. 13/6) it is very much clear that the Scrutiny Committee gone through the Service Book of the officials while considering their case, reference is invited to the matter of one Shri R.S. Bakshi who was demoted on the basis of entries in his Service Book.

15. Thus, in view of the discussions made above, I am of the opinion that even if for the arguments sake it is taken that the workman did not produced its certificates pertaining to his educational qualification, then it hardly matters for the Scrutiny Committee because copy of all the certificates etc. is placed with the Service Book and also their entry is made in the Service Book and a DPC/Scrutiny Committee constituted for considering the suitability of the officials is duty bound to go through their Service Book and ACR, hence, non-production of educational certificates should not have affected the case of the workman adversely.

16. Accordingly, I come to the conclusion that the action of the management of Betwa River Board, Jhansi in refusing promotion to Shri Ghanshyam Dass Ahirwar w.e.f. April, 1995 i.e. the date from which his junior Shri Rajan Singh Jatav was promoted, is neither legal nor justified, therefore, the workman concerned is entitled for promotion from the date his junior Shri Rajan Singh Jatav was promoted. Further, from the pleadings it is apparent that there is only post of Karya Parveshak Grade – I and the said post is occupied by Shri Rajan Singh Jatav, therefore, the workman could not actually be promoted on the post of Karya Parveshak Grade – I w.e.f. 03.04.1995 in the pay scale of 1200-3-1560-EB-40-2040 for the reasons that there is only one post of Karya Parveshak Grade – I and the same is filled by promotion of Shri Rajan Singh and the workman could only be promoted after demoting Shri Rajan Singh. No adverse order, affecting interests of Shri Rajan Singh could be issued in present industrial dispute as Shri Rajan Singh has not been arrayed as party in this dispute.

17. In the circumstances, in my opinion the ends of the justice would adequately be subserved if the workman, Ghanshyam Dass Ahirwar is given all benefits attached to the post of Karya Parveshak Grade – I, i.e. enhanced scale,

seniority etc., w.e.f. 03.04.1995 without giving him actual promotion on the said post. This Tribunal cannot pass any direction which could adversely affect the cause of Rajan Singh who has not been arrayed as a party in the present industrial dispute. Accordingly, the workman, even continuing his duties on the post of Time Keeper, shall be entitled for getting salary in the enhanced scale from the date of publication of this award. His seniority etc. shall be counted against the post of Karya Parveshak Grade – I w.e.f. 03.04.1995 and he will be senior to Shri Rajan Singh Jatav and also, for the purposes of retrial benefits etc. it shall be taken as if he had been promoted to the post of Karya Parveshak Grade – I w.e.f. 03.04.1995. The workman shall not be entitled for arrears of the salary for the period 03.04.1995 till the publication of this award for reasons not having worked on the post of Karya Parveshak Grade – I.

18. The reference is answered accordingly.

Lucknow  
11<sup>th</sup> July, 2014

Dr. MANJU NIGAM, Presiding Officer  
नई दिल्ली, 31 जुलाई, 2014

**का.आ. 2175.—**ओर्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केनरा बैंक प्रबंध-तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओर्योगिक विवाद में केन्द्रीय सरकार ओर्योगिक अधिकरण/श्रम न्यायालय, मुंबई के पंचाट (संदर्भ संख्या 09/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25/07/2014 को प्राप्त हुआ था।

[सं. एल-12012/60/2012-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 31st July, 2014

**S.O. 2175.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 09/2013) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, No. Mumbai as shown in the Annexure, in the industrial dispute between the management of Canara Bank and their workman, received by the Central Government on 25/07/2014.

[No. L-12012/60/2002 - IR (B-II)]

RAVI KUMAR, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, MUMBAI

#### Present:

JUSTICE S. P. MEHROTRA, Presiding Officer

REFERENCE NO. CGIT-1/9 OF 2013

**Parties:** Employers in relation to the management of Canara Bank

#### And

Their workman (Rajesh D.Chavala)

#### Appearances:

For the first party Management	:	Mr.Alva, Adv.
For the second party workman	:	None present.
State	:	Maharashtra

Mumbai, dated the 25th day of March, 2014

#### AWARD

1. The present reference has been made by the Central Government by its order dated 07.2.2013 passed in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Dispute Act, 1947. The terms of reference as per the schedule to the said order are as under:

"Whether the action of the management of Canara Bank in imposing the punishment of "Compulsory Retirement from services" with immediate effect vide Order dated 14.3.2005 on Shri Rajesh D.Chavala is justified, legal, proper and in proportion to the charges of misconducts? If not, then what relief the workman is entitled to and from which date and what other directions are necessary in the matter?"

2. By the order dated 27.2.2013 passed by this Tribunal, notice was directed to be issued to the parties fixing 8.4.2013.

3. On 8.4.2013 the workman was present. However, none was present for the first party / Management despite service of notice. The workman on the said date i.e. 8.4.2013 prayed for time to file statement of claim. Accordingly, the case was fixed on 17.5.2013.

4. On 17.5.2013, Shri Alva, Advocate was present on behalf of the first party/ Management and filed vakalatnama. However, none was present on behalf of the second party / workman. In the circumstances, the case was adjourned to 25.6.2013 for filing of statement of claim on behalf of the second party / workman.

5. On 25.6.2013, Shri Alva, Advocate was present for the first party / management. However, none was present on behalf of the second party/ workman. In the circumstances, the case was adjourned to 19.8.2013 for filing of statement of claim.

6. On 19.8.2013, the post of Presiding Officer of this Tribunal was vacant, however, Shri Alva, Advocate was present for the first party / Management and the workman was also present. The workman prayed for time to file statement of claim. Accordingly, 1.11.2013 was fixed in the

matter for filing of statement of claim on behalf of the workman.

7. On 1.11.2013, the post of Presiding Officer of this Tribunal was vacant. Shri Alva, Advocate was present for the first party / Management. However, none was present for the second party / workman. In the circumstances, the case was adjourned to 24.12.2013 for filing of statement of claim on behalf of the workman.

8. On 24.12.2013, this Tribunal was functioning. On the said date, Shri Alva, Advocate was present for the first party / Management. However, none was present for the workman. In the circumstances, the case was adjourned to 17.2.2014 for filing of statement of claim on behalf of the workman.

9. On 17.2.2014, Shri Alva, Advocate was present for the first party / Management. However, none was present on behalf of the second party / workman. In the circumstances, the case was adjourned to 25.3.2014 i.e. today for filing of statement of claim on behalf of the workman.

10. The case has been taken up today. Shri Alva, Advocate appearing for the first party / Management is present. However, none is present on behalf of the workman.

11. From the above narration of facts, it is evident that despite repeated adjournments, no statement of claim has been filed on behalf of the workman. Excepting on two dates, the workman has not appeared in the matter. There is thus no pleading or evidence filed on behalf of the workman in support of his claim. No relief, therefore, can be granted to the workman.

12. Reference made to this Tribunal is answered by stating that no relief can be granted to the workman.

13. Award is passed accordingly.

Justice S. P. MEHROTRA, Presiding Officer

नई दिल्ली, 31 जुलाई, 2014

**का.आ. 2176.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नैशनल बैंक प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण/श्रम न्यायालय, कोलकाता के पंचाट (संदर्भ संख्या 11/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25/07/2014 को को प्राप्त हुआ था।**

[सं. एल-12011/301/2003-आईआर (बी.-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 31st July, 2014

**S.O. 2176.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central**

Government hereby publishes the Award (Ref. 11/2004) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Kolkata as shown in the Annexure, in the industrial dispute between the management of Punjab National Bank and their workman, received by the Central Government on 25/07/2014.

[No. L-12011/301/2003 - IR (B-II)]

RAVI KUMAR, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL KOLKATA

##### Present:

JUSTICE G. S. SARRAF, Presiding Officer

##### REFERENCE NO. 11 OF 2004

**Parties:** Employers in relation to the management of Punjab National Bank

**And**

Their workmen(Shri Sudhangshu Mahapatra)

##### Appearances:

For Punjab National Bank : Shri A Indwar, Manager

For Punjab National Bank : Shri S. Mukherjee, President Employees Union

State : West Bengal

Kolkata, dated 6<sup>th</sup> day of May, 2013

#### AWARD

This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947. The terms of reference given in the schedule are as follows:

“Whether Mr. Sudhangshu Mahapatra, Special Assistant, working at Medinipore Branch of Punjab National Bank is entitled for a stagnation increment of Rs.230/- in the pay scale of Rs. 900-2835 w.e.f. 1.11.1996 or not? If not, what relief he is entitled to?”

2. According to the statement of claim filed by the Union the workman Sudhangshu Mahapatra joined the services of the Punjab National Bank (hereinafter referred as the Bank) in April 1977 as a Clerk. As per promotion policy of the Bank he became an officer in JMG Scale-I in November, 1985 through process of selection and was posted at a rural branch in Midnapur Region (West Bengal). Because of his continuous illness he was unable to discharge his duties properly and therefore he made a representation for his reversion to the post of Clerk on 21.12.1987. The competent authority granted his prayer

and posted him as Clerk at BO : Khajra in the district of Midnapur vide letter dated 18.03.1988. He was then selected as a Special Assistant and posted at Branch Office Midnapur. As per norms he was entitled to stagnation increment with effect from November, 1996 and accordingly his case was recommended by the Branch Manager to the Regional Office, Midnapur vide letter dated 07.02.1997. Competent authority, however, disallowed his claim. Aggrieved, he made a representation before the Regional Manager, Midnapur which was rejected. He thereafter raised an industrial dispute. The Union has prayed that the workman Sudhangshu Mahapatra be given stagnation increment.

3. According to the written statement filed by the Bank as per the terms of Bipartite Settlement dated 14.02.1995 an employee is not entitled to any stagnation increment if he seeks reversion after one year of the acceptance of the promotion. In the instant case the stagnation increment of the workman fell due in November, 1996 but as he sought reversion after one year of the promotion he was not entitled for the same under the Bipartite Settlement dated 14.02.1995.

4. The union did not file any affidavit of any witness. The Bank, however, examined Rati Kanta Patnayak.

5. Heard Shri S. Mukherjee on behalf of the union and Shri A. Indwar on behalf of the Bank.

6. The workman was promoted on 18.11.1985. After one year of the promotion he sought reversion to the post of Clerk on the ground of illness on 21.12.1987. The workman's reversion was allowed by the Bank by letter dated 18.03.1988 and he was actually reverted to the post of Clerk on 02.04.1988. The workman reached the maximum of pay on 01.11.1993. His stagnation increment became due on 01.11.1996.

7. The Bipartite Settlement dated 14.02.1995 was made effective from 01.11.1992. Clause 5(c)(ii) of the Settlement says that an employee shall not be eligible for stagnation increment/s if he, after accepting promotion, seeks, and is granted, reversion after one year from the date of promotion.

8. I have no doubt that the Settlement dated 14.02.1995 which has been made applicable with effect from 01.11.1992 applies in this case. Since the workman sought and was granted reversion after one year from the date of his promotion, he is not entitled to any stagnation increment under Clause 5(c)(ii) of the Settlement dated 14.02.1995.

9. In view of the above discussion, it is clear that the workman is not entitled to any relief.

Award is passed accordingly.

Justice G. S. SARAF, Presiding Officer

नई दिल्ली, 31 जुलाई, 2014

**का.आ. 2177.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कोलकता पतन न्यास के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण/श्रम न्यायालय, कोलकता के पंचाट (संदर्भ संख्या 12/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25/07/2014 को प्राप्त हुआ था।**

[सं. एल-32012/08/2004-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 31st July, 2014

**S.O. 2177.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 12/2005) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Kolkata as shown in the Annexure, in the industrial dispute between the management of Kolkata Port Trust and their workmen, received by the Central Government on 25/07/2014.

[No. L-32012/08/2004 - IR (B-II)]

RAVI KUMAR, Section Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

#### Reference No. 12 of 2005

**Parties:** Employers in relation to the management of Kolkata Port Trust

**AND**

Their workmen

**Present:**

Mr. Justice MANIK MOHAN SARKAR, Presiding Officer

**Appearance:**

On behalf of the Management : Mr. G. Mukhopadhyay, Industrial Relations Officer

On behalf of the Workmen : Mr. Animesh Bhadury, Executive Committee Member of the workmen union.

State: West Bengal Industry: Port & Dock

Dated: 8<sup>th</sup> November, 2011

#### AWARD

By Order No.L-32012/8/2004-IR(B-II) dated 21.04.2005 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of

the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of Kolkata Port Trust in awarding punishment of reducing pay by three stages for a period of three years with cumulative effect and not allowing to draw increment for the above period in respect of Shri Rabin Kumar Sidhanta is legal and justified? If not, to what relief the concerned workman is entitled to?”

2. One application has been filed today on behalf of the workman concerned praying for disposal of the present reference on his non-prosecution. It is submitted by both the sides that the matter has been amicably settled out of court.

3. The workman concerned who is personally present has also submitted that his claim in the present dispute has been met by the management and so at present there is no dispute to be raised by him against the management and so he does not want to proceed with the present reference.

4. In view of the said submission of the workman and also the contents of the application filed today, let the present dispute be disposed of on non-prosecution from the side of the workmen union as well as by the workman concerned himself.

An Award is passed accordingly.

Dated, Kolkata  
The 8th November, 2011

Justice MANIK MOHAN SARKAR, Presiding Officer  
नई दिल्ली, 31 जुलाई, 2014

**का.आ. 2178.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कोलकता पतन न्यास के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय, कोलकता के पंचाट (संदर्भ संख्या 37/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25/07/2014 को प्राप्त हुआ था।

[सं. एल. 32011/08/2003-आई आर (बी-II)]  
रवि कुमार, अनुभाग अधिकारी

New Delhi, the 31st July, 2014

**S.O. 2178.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 37/2003) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Kolkata as shown in the Annexure, in the industrial dispute between the management of Kolkata Port Trust and their workmen, received by the Central Government on 25/07/2014.

[No. L-32011/08/2003 - IR (B-II)]  
RAVI KUMAR, Section Officer

## ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL KOLKATA

#### Present:

Justice G. S. SARAF, Presiding Officer

#### Reference No. 37 of 2003

**Parties:** Employers in relation to the management of Kolkata Port Trust

#### And

Their workmen(S/Shri Sajan Goar, Sahadev Panda And Ganesh Mallick)

#### Appearances:

For Kolkata Port Trust : Shri M.K. Das, Industrial Relations Officer

For the Workmen : Shri A. Bhadury, Executive Committee Member of the Union

State : West Bengal

Kolkata, dated 13<sup>th</sup> day of February, 2013.

#### FINAL AWARD

This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section (1) of sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947. The terms of reference given in the schedule are as follows:

“Whether the action of the management of Kolkata Port Trust in awarding punishment of reducing pay by 5 stages for a period of 5 years with cumulative effect and not allowing to draw increment for the above period in respect of S/Sh. Sajan Goar, Sahadev Panda and Ganesh Mallick is legal and justified? If not, what relief the concerned workmen are entitled to?”

2. It is not necessary to narrate the facts here as the facts have been stated in detail in the order dated 09.04.2008 passed by this Tribunal.

3. By the said order this Tribunal has held that the enquiry against the workmen is perfectly legal, proper and valid and it does not suffer from any violation of the principle of natural justice.

4. Now the question is that whether the punishment imposed against the workmen is disproportionate to the misconduct as has been proved in the enquiry held against them.

5. Heard Shri A. Bhadury, authorized representative of the workmen and Shri M.K. Das, authorized representative of the management.

6. The charge against the workmen was that they consumed electricity by way of tapping from the main source of supply and thereby caused loss to the management. In the enquiry the charge of consumption of electricity by way of tapping was proved but the charge of causing financial loss to the management was not established. The Disciplinary Authority awarded the punishment of reducing pay by five stages for a period of five years with cumulative effect and the workmen were not allowed to draw increment for the above period.

7. Once there has been an enquiry in accordance with the principle of natural justice and the findings recorded at that enquiry are not frowned upon then this Tribunal should not interfere with the quantum of punishment unless the punishment is shown to be vitiated by malafides. This certainly is not the position in the present case.

8. Considering all the facts and circumstances of the matter, I do not think that the punishment imposed against the workmen is shockingly disproportionate to the charge proved against them so as to warrant interference by this Tribunal.

9. The workmen are not entitled to any relief.

10. Final Award is passed accordingly.

Justice G.S. SARRAF, Presiding Officer

नई दिल्ली, 31 जुलाई, 2014

**का.आ. 2179.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 90/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25/07/2014 को प्राप्त हुआ था।

[सं. एल-12012/25/95-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 31st July, 2014

**S.O. 2179.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 90/2003) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the industrial dispute between the management of Bank of India and their workmen, received by the Central Government on 25/07/2014.

[No. L-12011/25/95 - IR (B-II)]

RAVI KUMAR, Section Officer

## ANNEXURE

### BEFORE SHRI J.P. CHAND, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT NAGPUR

Case No. CGIT/NGP/90/2003

Date: 17.04.2014

**PARTY NO.1:** The Zonal Manager,  
Bank of India, S.V. Patel Road,  
Nagpur-440001

#### Versus

**PARTY NO.2:** The Secretary,  
Bank of India Workers' Organization,  
(Aff. To NOBW & BMS)  
House No. 542, Dr. Munje Marg,  
Congress Nagar, Nagpur

#### AWARD

(Dated: 17<sup>th</sup> April, 2014)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government had referred the industrial dispute between the employers, in relation to the management of Bank of India and the Union, Bank of India Workers Organization, for adjudication, to the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as per letter No.L-12011/25/1995-IR(B-II) dated 10.02.1997, with the following schedule:-

"Whether the action of the management of Bank of India, Nagpur, in not confirming the seven workmen (as per list attached) just after 6 months of their initial appointment is proper, legal and justified? If not, to what relief the workmen are entitled?"

#### List of the workmen

1. Sh. P.R.Modak
2. Sh. P.R.Deshbhratar
3. Sh. D.C.Motghare
4. Sh. Wahan
5. Sh. D.K. Paunikar
6. Sh. V.V. Jumde
7. Sh. P.G. Bhagadkar

Subsequently, the reference was transferred to this Tribunal, for adjudication in accordance with Law, by the Central Government.

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the union "Bank of

India Workers' Organization", ("the union" in short) on behalf of seven workmen as mentioned above, ("the workmen" in short), filed the statement of claim and the management of Bank of India, ("Party No. 1" in short) filed their written statement.

The case of the seven workmen as presented by the union in the statement of claim is that the party no.1 is a nationalized bank and its various branches in Nagpur and Vidharbha Zones are directly under the administrative control of the zonal office, Nagpur and the service conditions of the employees of party no.1 are governed by the Act and Bipartite Settlements and there was a practice of party no.1 of maintaining a panel of Badli employees, who were ordinarily drawn from the Employment Exchange and such panel of Badli employees intended to be maintained in order to meet the emergent situations, such as unforeseen absence from duty by the regular staff but party no.1 has been indulging into grave unfair labour practice by getting regular and permanent work done from the said Badli employees and thereby robbing those Badli employees/daily wagers/temporary workers of the status of permanent employees and consequent benefits ensuing from such status.

The further case of the workmen as presented in the statement of claim by the union is that the requirement of the party no.1 to employ Badli employees is perennial and the work being done by the Badli employees is not occasional, casual or temporary and the work is a regular work for which the party no.1 needs additional hands and the seven workmen were drawn from the Employment Exchange, Nagpur and employed after due interview and medical examination and the workmen, Shri P.R. Modak, Shri P.R.Deshbhrat, Shri D.C. Motghare, Shri Wahane, Shri D.K. Paunikar, Shri V.V. Jumde and Shri P.G. Bhagadkar were appointed on 12.04.1985, 14.03.1985, 02.02.1986, 02.02.1986, 02.02.1986, 02.02.1986 and 14.06.1985 respectively and they were given permanency from 15.07.1989 alongwith other daily wage workmen and as per the own admission of party no.1, a person who has been taken as Badli employee should as far as possible be absorbed in regular service within one year and one of the circulars issued by the party no.1 also directs that every Badli Sub-staff, who has worked for 240 or more Badli days in any block of consecutive 12 months and who was denied to be engaged by the bank as Badli sub-staff on the date of the circular was to be absorbed in the Bank's service and in terms of the declared policy of party no.1 and its own directions, each of the workmen was to be regularized upon his completing the work for 240 Badli days in a block of 12 consecutive months or immediately after completion of 6 months of service, which was earlier and even after completion of 240 days service in a block period of 12 months by the workmen, the Party No.1 gave artificial breaks in their services, which was not only contrary to the declared policy, but also, the provisions of

section-25 F of the Act and the service conditions of the bank employees are governed by Sastry Award, Desai Award and the Bipartite Settlements and there is no provision either in the Awards or Bipartite settlements permitting the party no.1 to appoint badli workers/daily wagers to work in the bank and the categories of the employees described in the service conditions are permanent, probationer and temporary employee and the definition of temporary employee enumerated in the Bipartite settlement says that he is the employee who has been appointed for the work essentially of temporary nature and the temporary increase in the work of permanent nature, but there is a rider that such appointment should not exceed more than three months and the party no.1 has admitted before the ALC that the workman were engaged for temporary increase in the workload and it is also the admitted fact that all the workmen were used for more than three months in contravention of the provisions of para 20 of the Bipartite settlement and as there were sufficient number of permanent vacancies in the bank from 1984 onwards and the party no.1 used all the workmen to perform the duties of permanent employees, which were of strictly permanent nature, without giving them benefits of the same, the workmen are entitled to be regularized in the services of party no.1 after completion of six months of service.

3. In the written statement the Party No.1 has admitted the facts mentioned in paragraphs 1 to 5 of the statement of claim. It is also admitted by the Party No.1 that the badli employees panel was intended to be maintained in order to meet the emergent situations such as unforeseen absence from duty by the regular staff. However, it is denied by the Party No.1 that it indulged in grave unfair labour practice by getting regular and permanent work done from the badli employees and thereby robbing those badli/daily wagers/temporary workers of the status of permanent employees and consequent benefits ensuing from such status. The Party No.1 has also denied all other adverse pleadings made in the statement of claim and further pleaded that the seven workmen were drawn from the Employment Exchange, Nagpur and got employment after due interview and medical examination by Bank' Officials, but they were not entitled for regularization in service, on completion of six months period from the date of their joining in the Bank or on completion of 240 days work in a block period of 12 months and the workmen were made permanent from 15.07.1989 and its action was not in breach of the provisions of section 25-F of the Act or Bipartite settlements and the workmen are not entitled to any relief.

4. In support of the case, seven witnesses including five workmen, namely, Pushaparao Ramchandra Deshbhrat, Dilip Chudaman Motghare, Prakash Govindrao Bhagadkar, Rambhan Santoshrao Wahane and Goutam Mahadeorao Modak have been examined by the

Union. The other witnesses examined by the Union are Shri Rajendra M. Dahikar and Shri Vinayak U. Joshi.

One Shri Rajkumar Tulsiram Naik has been examined as the only witness by the party No.1.

Both the parties have also placed reliance on documentary evidence.

5. The evidence of the five workmen examined by the union is more or less the same and similar, except the date of their respective joining in the service of the Bank and the days of the work done by them in each calendar year. All of them have claimed regularisation in service from the initial date of joining service, claiming that they had worked in clear vacancies and there were clear vacancies in the Bank.

In their cross-examination, all of them have categorically admitted that they were absorbed in the permanent service of the Bank on 15.07.1989 and their service from the initial date of their respective engagement in the Bank till 14.07.1989 was on daily wages basis and for the said period, they were paid wages by the Bank regularly.

There is nothing in the evidence of the aforesaid five workmen to show that they were entitled for permanent absorption in service of party No.1 after working for six months from their respective date of engagement by party No.1 as daily wagers.

6. Witnesses, Shri Rajendra M. Dahikar and Shri Vinayak U. Joshi in their entire evidence on affidavit have not stated as to how and under what provisions, the seven workmen were entitled for confirmation, just after six months of their initial appointment, though they have stated about the practice of the party No.1 engaging badli/daily wagers/temporary workers in permanent work of the Bank.

7. During the course of argument, it was submitted by the union representative that the workmen were appointed by the Bank after due interview and medical examination after their names were sponsored by the Employment Exchange and they performed the duties of full time sub-staff, although they were paid on daily wage basis and they worked continuously from the date of their respective initial appointment and despite the existence of permanent vacancies, Party No. 1 did not regularize the workmen and there was violation of the mandatory provisions of Sections 25-F of the Act and the Party No. 1 adopted unfair labour practice. It was further submitted by the union representative that Party No. 1 has virtually admitted the allegations made in the statement of claim, in their written statement and from the oral evidence adduced by the workman, which has not been challenged seriously in the cross-examination, the documentary evidence produced by the workmen and the admission of the

witnesses examined by the Party No. 1, it can be found that the claim of the workmen has been fully proved and as such, the workmen are entitled for confirmation just after 6 months of their initial appointment.

8. Per contra, it was submitted by the representative for the Party No. 1 that the workmen were engaged on purely casual basis temporally and their engagement was as and when required basis, due to taking of leave by the permanent Sub-staff or temporary increase of work load in the branch and the workmen did not complete 240 days of work in any 12 calendar months and the workmen have admitted such facts and the evidence on affidavits of the witnesses examined by the union are general affidavits and no reliance can be placed on the same, as no document has been produced by the workmen to demonstrate that they had worked for 240 days in any 12 months and the union and so also the workmen have failed to discharge the burden of proving that in fact the workmen are entitled for confirmation just after six months of their initial appointments and Party No. 1 did not adopt any unfair labour practice and the workmen are not entitled to any relief.

9. At the outset, I think it necessary to mention that it is settled beyond doubt by the principles enunciated by the Hon'ble Apex Court in a string of decisions that the Tribunal cannot travel outside the terms of reference and the jurisdiction of the Tribunal in industrial disputes is limited to the points specifically referred for its adjudication and to matters incidental thereto.

Though the reference has been made by the Central Government for adjudication of the legality or otherwise of the action of the management in not confirming the seven workmen just after six months of their initial appointment, the union, in the guise of raising the dispute on behalf the workmen has tried to challenge the policy adopted by the party No.1 of engaging persons on temporary basis, inspite of having number of permanent vacancies in the cadre of sub-staff at different branches of the Bank. In view of the settled principles as mentioned above, the Tribunal cannot travel beyond the terms of reference and in view of the specific terms of reference, the only point to be consider is as to whether, the workmen were entitled for confirmation just after six months of their initial appointment.

10. On perusal of the materials on record and taking into consideration the submissions made during the course of argument by both the parties, it is found that the workmen were engaged on daily wages basis at different branches of party No.1 and they worked in the branches intermittently in the leave vacancy of permanent Sub-staff or when there was temporary increase of work in the branch. The appointment of the workmen was not against any permanent post. Neither the union nor the workmen have been able to show any provision under which the workmen

were entitled for confirmation just after six months of their initial appointment. It is found from the materials on record that there is no merit in the case of the workmen and they are not entitled to any relief. Hence, it is ordered:-

### ORDER

The reference is answered in the negative and against the workmen. The workmen are not entitled to any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 31 जुलाई, 2014

**का.आ. 2180.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दामोदर वैली कारपोरेशन के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, कोलकाता के पंचाट (संदर्भ संख्या 05/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/07/2014 को को प्राप्त हुआ था।

[सं. एल-42011/115/2013-आईआर (डीयू)]

पी. के. वेणुगोपाल, अनुभाग अधिकारी

New Delhi, the 31st July, 2014

**S.O. 2180.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 05/2014) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Kolkata now as shown in the Annexure, in the industrial dispute between the management of Damodar Valley Corporation and their workmen, which was received by the Central Government on 30/07/2014.

[No. L-42011/115/2013-IR(DU)]

P. K. VENUGOPAL, Section Officer

### ANNEXURE

### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 05 of 2014

**Parties:** Employers in relation to the management of Damodar Valley Corporation

AND

Their workmen.

### Present:

Justic APPARANCE DIPAK SAHARAY, Presiding Officer

On behalf of the Management : None.

On behalf of the Workmen : None.

State: West Bengal.

Industry: Power.

Dated: 23<sup>rd</sup> July, 2014.

### AWARD

By Order No.L-42011/115/2013-IR(DU) dated 21.01.2014 Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

“Whether the demand of DVC Kamgar Sangh for removal of anomaly in UCP on following points are legal and/or justified?”

2. When the case is taken up today for hearing, none appears on behalf of either of the parties. It appears from the record that the parties are absent for the last two consecutive dates.

3. Seen the previous orders. It appears that opportunities were given to the union to appear before the Tribunal and to file statement of claim but to no effect.

4. Considering the above facts and circumstances it appears that the union is not interested to proceed with this reference case. Perhaps the union has no grievance against the management at present.

5. Considering the above facts and circumstances, instant reference is disposed of by passing a “No Dispute Award”.

Dated, Kolkata

The 23<sup>rd</sup> July, 2014.

Justice DIPAK SAHARAY, Presiding Officer

नई दिल्ली, 31 जुलाई, 2014

**का.आ. 2181.—**ओद्योगिक विवाद अधिनियम, 1947

का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बंगाल कैमिकल्स एण्ड फार्मास्युटिकल्स लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, कोलकाता के पंचाट (संदर्भ संख्या 29/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/07/2014 को प्राप्त हुआ था।

[सं. एल-42011/164/2013-आईआर (डीयू)]

पी. के. वेणुगोपाल, अनुभाग अधिकारी

New Delhi, the 31st July, 2014

**S.O. 2181.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 29/2014) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Kolkata now as shown in the Annexure, in the industrial dispute between the employers in relation to the

management of Bengal Chemicals & Pharmaceuticals Ltd. and their workmen, which was received by the Central Government on 30/07/2014.

[No. L-42011/164/2013-IR(DU)]

P. K. VENUGOPAL, Section Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 29 of 2014

**Parties:** Employers in relation to the management of Bengal Chemicals & Pharmaceuticals Ltd.

A N D

Their workmen.

**Present:**

JUSTICE DIPAK SAHA RAY, Presiding Officer

**Appearance:**

On behalf of the Management : None

On behalf of the Workmen : None

State: West Bengal. Industry: Port & Dock.

Dated: 17<sup>th</sup> July, 2014.

#### AWARD

By Order No.L-42011/164/2013-IR(DU) dated 06.03.2014 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of Bengal Chemicals & Pharmaceuticals Limited in not considering promotion of Madan Das as similarly placed all SC/ST Certificate holders who have been considered for promotion, is legal and/or justified? If not what relief Shri Madan Das is entitled to?”

2. When the case is taken up today for hearing, none appears on behalf of either of the parties. It appears from the record that on the last date, i.e., on 28.05.2014 none appeared on behalf of either of the parties, inspite of service of notice. Considering the above facts and circumstances and the conduct of the parties, it may reasonably be presumed that the parties are not interested to proceed with the instant reference case further. Perhaps the workman has no grievance against the management at present.

3. Considering the above facts and circumstances, instant reference is disposed of by passing a “No Dispute Award”.

Dated, Kolkata,  
The 17<sup>th</sup> July, 2014.

Justice DIPAK SAHA RAY, Presiding Officer

नई दिल्ली, 31 जुलाई, 2014

**का.आ. 2182.—**ओद्योगिक विवाद अधिनियम, 1947 (1947

का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार रीजनल मैनेजर, सेंट्रल वेयरहाउसिंग कारपोरेशन, चंडीगढ़ के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 160/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/07/2014 को प्राप्त हुआ था।

[सं. एल-42012/86/2013-आईआर (डीयू)]

पी. के. वेणुगोपाल, अनुभाग अधिकारी

New Delhi, the 31st July, 2014

**S.O. 2182.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 160/2013) of the Cent. Govt. Indus. Tribunal-cum-Labour Court-I, Chandigarh now as shown in the Annexure, in the industrial dispute between the employers in relation of the management of Regional Manager, Central Warehousing Corporation, Chandigarh and their workman, received by the Central Government on 30/07/2014.

[No. L-42012/86/2013-IR(DU)]

P. K. VENUGOPAL, Section Officer

#### ANNEXURE

#### BEFORE SHRI SURENDRA PRAKASH SINGH, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT-I, CHANDIGARH

Case No. ID No. 160 of 2013, Reference No. L-42012/86/2013-IR(DU) dated 28/01/2014

Sh. Bhola Sharma  
S/o Sh. Baleshwar,  
Birbal Nagar, Narwana,  
Jind (Haryana).

...Workman

#### Versus

1. The Regional Manager,  
Central Warehousing Corporation,  
Chandigarh Region,  
Bay No. 35-38,  
Sector -4, Panchkula  
(Haryana) - 134112 ...Respondents.

#### Appearances:

For the Workman : None.

For the Management : Proxy Counsel for Mr. Robin Dutt

**AWARD**

Passed On : 21.07.2014

Government of India Ministry of Labour vide notification No.L-42012/86-2013/IR (DU) dated 28/01/2014 has referred the following dispute to this Tribunal for adjudication:

**Term of Reference:**

“Whether the action of the Management of Regional Manager, CWC, Panchkula in terminating the services w.e.f. 26.01.2011 of Sh. Bhola Sharma S/o Sh. Baleshwar, workman of Narwana Depot is just and legal? If not, to what relief the workman is entitled to ?”

2. Case repeatedly called. None appeared for the workman nor any claim statement has been filed. As per record already three opportunities have been allowed to file claim statement. None appeared on behalf of the workman despite notice. It appears that the workman is not interested to pursue the present reference. In view of the above the present reference is disposed off for want of prosecution.

3. Reference is disposed off accordingly. Central Govt. be informed. Soft copy as well as hard copy be sent to the Central Govt. for publication.

Chandigarh.

21.07.2014

S. P. SINGH, Presiding Officer

नई दिल्ली, 31 जुलाई, 2014

**का.आ. 2183.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार रीजनल मैनेजर, सेंट्रल वेयरहाऊसिंग कारपोरेशन, चंडीगढ़ के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण एवं श्रम न्यायालय-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 161/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/07/2014 को प्राप्त हुआ था।**

[सं. एल-42012/87/2013-आईआर (डीयू)]

पी. के. वेणुगोपाल, अनुभाग अधिकारी

New Delhi, the 31st July, 2014

**S.O. 2183.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 161/2013) of the Cent. Govt. Indus. Tribunal-cum-Labour Court-I, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Regional Manager, Central Warehousing Corporation, Chandigarh and their workman, received by the Central Government on 30/07/2014.

[No. L-42012/87/2013- IR (DU)]

P. K. VENUGOPAL, Section Officer

**ANNEXURE**

**BEFORE SHRI SURENDRA PRAKASH SINGH,  
PRESIDING OFFICER, CENTRAL GOVT.  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,  
CHANDIGARH**

Case No. ID No. 161 of 2013, Reference no. L-42012/87/2013-IR(DU) dated 28/01/2014

Sh.Pankaj  
S/o Sh. Dani  
R/o Gandhi Nagar, Narwana,  
Jind (Haryana). ...Workman

**Versus**

1. The Regional Manager,  
Central Warehousing Corporation,  
Chandigarh Region,  
Bay No. 35-38, Sector -4, Panchkula  
Haryana-134119 ...Respondent

**Appearances:**

For the Workman : None.

For the Management : Proxy Counsel for Mr. Robin Dutt.

**AWARD**

Passed on:- 21.07.2014

Government of India Ministry of Labour vide notification No.L-42012/87/2013-IR

(DU) dated 28/01/2014 has referred the following dispute to this Tribunal for adjudication:

**Term of Reference:**

“Whether the action of the Management of Regional Manager, CWC, Panchkula in terminating the services w.e.f. 26.01.2011 of Sh. Pankaj S/o Sh. Dhani, workman of Narwana Depot is just and legal? If not, to what relief the workman is entitled to ?”

2. Case repeatedly called. None appeared for the workman nor any claim statement has been filed. As per record already three opportunities have been allowed to file claim statement. None appeared on behalf of the workman despite notice. It appears that the workman is not interested to pursue the present reference. In view of the above the present reference is disposed off for want of prosecution.

3. Reference is disposed off accordingly. Central Govt. be informed. Soft copy as well as hard copy be sent to the Central Govt. for publication.

Chandigarh.

21.07.2014

S. P. SINGH, Presiding Officer







and their workman, received by the Central Government on 30/07/2014.

[No. L-42012/99/2013- IR (DU)]

P. K. VENUGOPAL, Section Officer

#### ANNEXURE

**BEFORE SHRI SURENDRA PRAKASH SINGH,  
PRESIDING OFFICER, CENTRAL GOVT.  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,  
CHANDIGARH.**

**Case No. ID No. 173 of 2013**, Reference No. L-42012/99/2013/IR(DU) dated 28/01/2014.

Sh. Kulvinder  
R/o Karamghad, Narwana,  
Jind (Haryana). Jind ...Workman

#### Versus

1. The Regional Manager,  
Central Warehousing Corporation ,  
Chandigarh Region,  
Bay No. 35-38, Sector -4, Panchkula  
(Haryana)-134112 ...Respondent

#### Appearances:

For the Workman : None.

For the Management : Proxy Counsel for Mr. Robin Dutt.

#### AWARD

Passed on : 21 .07.2014

Government of India Ministry of Labour vide notification No.L-42012/99/2013/IR (DU) dated 28/01/2014 has referred the following dispute to this Tribunal for adjudication:

“Whether the action of the Management of Regional Manager, CWC, Panchkula in terminating the services w.e.f. 26.01.2011 of Sh. Kulwinder workman of Narwana Depot is just and legal? If not, to what relief the workman is entitled to?”

2. Case repeatedly called. None appeared for the workman nor any claim statement has been filed. As per record already three opportunities have been allowed to file claim statement. None appeared on behalf of the workman despite notice. It appears that the workman is not interested to pursue the present reference. In view of the above the present reference is disposed off for want of prosecution.

3. Reference is disposed off accordingly. Central Govt. be informed. Soft copy as well as hard copy be sent to the Central Govt. for publication.

Chandigarh  
21-07-2014

S. P. SINGH, Presiding Officer

नई दिल्ली, 31 जुलाई, 2014

**का.आ. 2189.—**औद्योगिक विवाद अधिनियम, 1947 ( 1947

का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार रीजनल मैनेजर, सेंट्रल वेयरहाउसिंग कारपोरेशन, चंडीगढ़ के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 201/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/07/2014 को प्राप्त हुआ था ।

[सं. एल-42012/1742013-आईआर (डीयू)]

पी. के. वेणुगोपाल, अनुभाग अधिकारी

New Delhi, the 31st July, 2014

**S.O. 2189.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 201/2013) of the Cent. Govt. Indus. Tribunal-cum-Labour Court-1, Chandigarh now as shown in the Annexure, in the industrial dispute between the management of the Regional Manager, Central Warehousing Corporation, Chandigarh and their workman, received by the Central Government on 30/07/2014.

[No. L-42012/174/2013- IR (DU)]

P. K. VENUGOPAL, Section Officer

#### ANNEXURE

**BEFORE SHRI SURENDRA PRAKASH SINGH,  
PRESIDING OFFICER, CENTRAL GOVT.  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,  
CHANDIGARH**

**Case No. ID No. 201 of 2013**, Reference No. L-42012/174/2013/IR(DU) dated 26/02/2014.

Sh. Jagu  
S/o Sh Ram Jatri  
R/o VPO-Birbal Nagar- Teh - Narwana,  
Jind (Haryana). Jind ...Workman

#### Versus

1. The Regional Manager,  
Central Warehousing Corporation ,  
Chandigarh Region,  
Bay No. 35-38, Sector -4, Panchkula  
(Haryana)-134112 ...Respondent

#### Appearances:

For the Workman : None.

For the Management : Proxy Counsel for Mr. Robin Dutt.

#### AWARD

Passed on : 21 .07.2014

Government of India Ministry of Labour vide notification No.L-42012/174/2013/IR(DU) dated 26/02/2014 has referred the following dispute to this Tribunal for adjudication:

“Whether the action of the Management of Regional Manager, CWC, Panchkula in terminating the services w.e.f. 26.01.2011 of Sh. Jadu S/o Jutri workman of Narwana Depot is just and legal? If not, to what relief the workman is entitled to?”

2. Case repeatedly called. None appeared for the workman nor any claim statement has been filed. As per record already three opportunities have been allowed to file claim statement. None appeared on behalf of the workman despite notice. It appears that the workman is not interested to pursue the present reference. In view of the above the present reference is disposed off for want of prosecution.

3. Reference is disposed off accordingly. Central Govt. be informed. Soft copy as well as hard copy be sent to the Central Govt. for publication.

Chandigarh  
21-07-2014

S. P. SINGH, Presiding Officer

नई दिल्ली, 31 जुलाई, 2014

**का.आ. 2190.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार जनरल मैनेजर एण्ड अर्द्ध भारत इलेक्ट्रॉनिक्स लिमिटेड, पंचकुला के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 202/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/07/2014 को प्राप्त हुआ था।

[सं. एल-14012/43/2013-आईआर (डीयू)]

पी. के. वेणुगोपाल, अनुभाग अधिकारी

New Delhi, the 31st July, 2014

**S.O. 2190.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 202/2013) of the Cent. Govt. Indus. Tribunal-cum-Labour Court-1, Chandigarh now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of General Manager, Bharat Electronics Limited & Others, Panckula and their workman, which was received by the Central Government on 30/07/2014.

[No. L-14012/43/2013-IR (DU)]

P. K. VENUGOPAL, Section Officer

#### ANNEXURE

**BEFORE SHRI SURENDRA PRAKASH SINGH,  
PRESIDING OFFICER, CENTRAL GOVT.  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,  
CHANDIGARH**

Case No. ID No. 202 of 2013, Reference No. L-14012/43/2013/IR(DU) dated 26/02/2014.

Sh. Ishwar  
S/o Sh Gobind  
R/o H. No. 106, Indira Colony,  
Sector-17, Panchkula (Haryana) ...Workman

#### Versus

1. The General Manager,  
M/s. Bharat Electronics Limited,  
405 Industrial Area,  
Phase-III, Panchkula (Haryana)
2. The Chief Managing Director,  
M/s. Bharat Electronics Limited.  
Head Office Outer Ring Road,  
Bangalore. ...Respondents

#### Appearances:

For the Workman : None.

For the Management : Sh. N. K. Zakhmi

#### AWARD

Passed on : 15.07.2014

Government of India Ministry of Labour vide notification No.L-14012/43/2013/IR (DU) dated 26.02.2014 has referred the following dispute to this Tribunal for adjudication:

#### Term of Reference:

“Whether relationship of employer and employee exists between Sh. Ishwar S/o Sh. Govind and Bharat Electronics Ltd. Panchkula? If yes, whether action of the Bharat Electronics Ltd., Panchkula in terminating the services of Ishwar S/o Govind w.e.f. 1.4.2013 is legally just and valid? If not, then to what relief the workman is entitled to and from which date?”

2. Case repeatedly called. None appeared for the workman nor any claim statement has been filed. As per record already three opportunities have been allowed to file claim statement. None appeared on behalf of the workman despite notice. It appears that the workman is not interested to pursue the present reference. In view of the above the present reference is disposed off for want of prosecution.

3. Reference is disposed off accordingly. Central Govt. be informed. Soft copy as well as hard copy be sent to the Central Govt. for publication.

Chandigarh.

15.07.2014

S. P. SINGH, Presiding Officer

नई दिल्ली, 31 जुलाई, 2014

**का.आ. 2191.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार जनरल मैनेजर एण्ड अर्द्ध भारत इलेक्ट्रॉनिक्स लिमिटेड, पंचकुला के प्रबंधतंत्र के



Sh. Nafa Singh,  
S/o Sh. Chand  
R/o H. No. 251, Indira Colony,  
Sector-17, Panchkula (Haryana)

...Workman

**Versus**

1. The General Manager,  
M/s. Bharat Electronics Limited,  
405 Industrial Area,  
Phase-III, Panchkula (Haryana)
2. The Chief Managing Director,  
M/s. Bharat Electronics Limited,  
Head Office Outer Ring Road,  
Bangalore

...Respondent

**Appearances:**

For the Workman : None.

For the Management : Sh. N. K. Zakhmi

**AWARD**

Passed on : 15.07.2014

Government of India Ministry of Labour vide notification No.L-14012/45/2013/IR (DU) dated 25.02.2014 has referred the following dispute to this Tribunal for adjudication:

**Term of Reference:**

“Whether relationship of employer and employee exists between Sh. Nafa Singh S/o Sh. Chand and Bharat Electronics Ltd. Panchkula? If yes, whether action of the Bharat Electronics Ltd. Panchkula in terminating the services of Sh Nafa Singh S/o Chand w.e.f. 17.3.2013 is legally just and valid? If not, then to what relief the workman is entitled to and from which date?”

2. Case repeatedly called. None appeared for the workman nor any claim statement has been filed. As per record already three opportunities have been allowed to file claim statement. None appeared on behalf of the workman despite notice. It appears that the workman is not interested to pursue the present reference. In view of the above the present reference is disposed off for want of prosecution.

3. Reference is disposed off accordingly. Central Govt. be informed. Soft copy as well as hard copy be sent to the Central Govt. for publication.

Chandigarh

15.07.2014

S. P. SINGH, Presiding Officer

नई दिल्ली, 31 जुलाई, 2014

**का.आ. 2193.—**ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार जनरल मैनेजर

एण्ड अदर्स, भारत इलेक्ट्रॉनिक्स लिमिटेड, पंचकुला के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 205/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/07/2014 को प्राप्त हुआ था।

[सं. एल-14012/46/2013-आईआर (डीयू)]

पी. के. वेणुगोपाल, अनुभाग अधिकारी

New Delhi, the 31st July, 2014

**S.O. 2193.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 205/2013) of the Cent. Govt. Indus. Tribunal-cum-Labour Court-1, Chandigarh now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of the General Manager and Others, Bharat Electronics Limited, Panchkula and their workman, which was received by the Central Government on 30/07/2014.

[No. L-14012/46/2013-IR (DU)]

P. K. VENUGOPAL, Section Officer

**ANNEXURE**

**BEFORE SHRI SURENDRA PRAKASH SINGH,  
PRESIDING OFFICER, CENTRAL GOVT.  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,  
CHANDIGARH**

**Case No. ID No. 205 of 2013**, Reference No. L-14012/46/2013/IR(DU) dated 25/02/2014.

Sh. Shyam Lal,  
S/o Sh. Bhim Singh  
R/o H. No. 1297, Rajiv Colony,  
Sector-, Panchkula (Haryana)

...Workman

**Versus**

1. The General Manager,  
M/s. Bharat Electronics Limited,  
405 Industrial Area,  
Phase-III, Panchkula (Haryana)
2. The Chief Managing Director,  
M/s. Bharat Electronics Limited,  
Head Office Outer Ring Road,  
Bangalore

...Respondents

**Appearances:**

For the Workman : None.

For the Management : Sh. N. K. Zakhmi

**AWARD**

Passed on : 15.07.2014

Government of India Ministry of Labour vide notification No. L-14012/46/2013/IR (DU) dated 25.02.2014

has referred the following dispute to this Tribunal for adjudication:

**Term of Reference:**

“Whether relationship of employer and employee exists between Sh. Shyam Lal S/o Sh. Bhim Singh and Bharat Electronics Ltd. Panchkula? If yes, whether action of the Bharat Electronics Ltd. Panchkula in terminating the services of Sh. Shyam Lal S/o Bhim Singh w.e.f. 1.4.2013 is legally just and valid? If not, then to what relief the workman is entitled to and from which date?”

2. Case repeatedly called. None appeared for the workman nor any claim statement has been filed. As per record already three opportunities have been allowed to file claim statement. None appeared on behalf of the workman despite notice. It appears that the workman is not interested to pursue the present reference. In view of the above the present reference is disposed off for want of prosecution.

3. Reference is disposed off accordingly. Central Govt. be informed. Soft copy as well as hard copy be sent to the Central Govt. for publication.

Chandigarh

15.07.2014

S. P. SINGH, Presiding Officer

नई दिल्ली, 31 जुलाई, 2014

**का.आ. 2194.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार जनरल मैनेजर एण्ड अदर्स, भारत इलेक्ट्रॉनिक्स लिमिटेड, पंचकुला के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 206/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/07/2014 को प्राप्त हुआ था।**

[सं. एल-14012/47/2013-आईआर (डीयू)]

पी. के. वेणुगोपाल, अनुभाग अधिकारी

New Delhi, the 31st July, 2014

**S.O. 2194.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 206/2013) of the Cent. Govt. Indus. Tribunal-cum-Labour Court-1, Chandigarh now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of General Manager and Others, Bharat Electronics Limited, Panchkula and their workman, which was received by the Central Government on 30/07/2014.

[No. L-14012/47/2013-IR (DU)]

P. K. VENUGOPAL, Section Officer

**ANNEXURE**

**BEFORE SHRI SURENDRA PRAKASH SINGH,  
PRESIDING OFFICER, CENTRAL GOVT.  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,  
CHANDIGARH**

**Case No. ID No. 206 of 2013**, Reference No. L-14012/47/2013/IR(DU) dated 25/02/2014.

Smt. Usha Rani,  
W/o Sh. Surinder Kumar  
R/o H. No. 474, Indira Colony,  
Sector-17, Panchkula (Haryana) ...Workman

**Versus**

1. The General Manager,  
M/s. Bharat Electronics Limited,  
405 Industrial Area,  
Phase-III, Panchkula (Haryana)
2. The Chief Managing Director,  
M/s. Bharat Electronics Limited,  
Head Office Outer Ring Road,  
Bangalore ...Respondents

**Appearances:**

For the Workman : None.

For the Management : Sh. N. K. Zakhmi

**AWARD**

Passed on : 15.07.2014

Government of India Ministry of Labour vide notification No.L-14012/47/2013/IR (DU) dated 25.02.2014 has referred the following dispute to this Tribunal for adjudication:

**Term of Reference:**

“Whether relationship of employer and employee exists between Smt. Usha Rani W/o Surinder Kumar and Bharat Electronics Ltd. Panchkula? If yes, whether action of the Bharat Electronics Ltd. Panchkula in terminating the services of Smt. Usha Rani W/o Surinder Kumar w.e.f. 1.4.2013 is legally just and valid? If not, then to what relief the workman is entitled to and from which date?”

2. Case repeatedly called. None appeared for the workman nor any claim statement has been filed. As per record already three opportunities have been allowed to file claim statement. None appeared on behalf of the workman despite notice. It appears that the workman is not interested to pursue the present reference. In view of the above the present reference is disposed off for want of prosecution.

3. Reference is disposed off accordingly. Central Govt. be informed. Soft copy as well as hard copy be sent to the Central Govt. for publication.

Chandigarh.

15.07.2014

S. P. SINGH, Presiding Officer

नई दिल्ली, 31 जुलाई, 2014

**का.आ. 2195.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैनेजिंग डायरेक्टर, तेअमलासे सर्विस प्राइवेट लिमिटेड एण्ड अदर्स के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, चेन्नई के पंचाट (संर्व संभ्या 71/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/07/2014 को प्राप्त हुआ था।

[सं. एल-42011/15/2013-आईआर (डीयू)]

पी. के. वेणुगोपाल, अनुभाग अधिकारी

New Delhi, the 31st July, 2014

**S.O. 2195.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 71/2013) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Chennai now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Managing Director, Teamlease Service Pvt Ltd & Others and their workman, which was received by the Central Government on 30/07/2014.

[No. L-42011/15/2013-IR (DU)]

P. K. VENUGOPAL, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Wednesday, the 16<sup>th</sup> July, 2014

#### Present :

K.P. PRASANNA KUMARI, Presiding Officer

#### Industrial Dispute No. 71/2013

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of M/s. Team Lease Service Pvt. Ltd and Trichy Tollway Private Ltd. and their workman]

#### Between:

Sri M. Pugazhmani : 1<sup>st</sup> Party/Petitioner

AND

1. The Managing Director : 2<sup>nd</sup> Party/1<sup>st</sup> Respondent  
M/s. Teamlease Services  
Pvt. Ltd.  
BMTC Commercial Complex  
6<sup>th</sup> Floor, 80 Feet Road,  
Koramangala  
Bangalore-560095
2. The Director : 2<sup>nd</sup> Party/2<sup>nd</sup> Respondent  
M/s. Trichy Tollway  
Private Ltd.  
Sengurichy, Toll Plaza,  
Ulundurpettai Villupuram

#### Appearance:

For the 1<sup>st</sup> Party/ Petitioner : M/s. G. Shanmugam, Advocate

For the 2<sup>nd</sup> Party/ 1<sup>st</sup> Management : M/s. T.S. Gopalan & Co.,  
Advocates

For the 2<sup>nd</sup> Party/ 2<sup>nd</sup> Management : Set Ex-parte

#### AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. L-42011/15/2013-IR (DU) dated 07.06.2013 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

“Whether the action of the management of M/Team Lease Service Pvt. Ltd. and Trichy Tollway Private Ltd., Contractors of National Highway Authority of India Ltd., in dismissing Sri M. Pugazhmani w.e.f. 19.02.2011 without any enquiry is legal and justified? To what relief the concerned workman is entitled to?”

2. On receipt of the Industrial Dispute this Tribunal has numbered it as ID 71/2013 and issued notices to both sides. The petitioner and the First Respondent had entered appearance through their counsel and filed claim and counter statement respectively. The second respondent has been set ex-parte.

3. Even though the petitioner filed Claim Statement no documents have been produced to substantiate the case. Both the petitioner and the counsel have been continuously absent. Today when the case was called also both the petitioner as well as the counsel were absent. There was no one available to represent the petitioner also. The petitioner seems to be not interested in pursuing the case. In the absence of any material the case could not be proceeded with. Accordingly the ID is closed.

An award is passed accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 16<sup>th</sup> July, 2014)

K. P. PRASANNA KUMARI, Presiding Officer

**Witnesses Examined:**

For the 1<sup>st</sup> Party/Petitioner : None

For the 2<sup>nd</sup> Party/1<sup>st</sup> & 2<sup>nd</sup> Management : None

**Documents marked :**

On the side of the Petitioner & Management : Nil

नई दिल्ली, 31 जुलाई 2014

**का.आ. 2196.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार जनरल मैनेजर, टेलीकॉम, भारत संचार निगम लिमिटेड, शिमला के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 73/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/07/2014 को प्राप्त हुआ था।

[सं. एल. 40012/30/2013-आई आर (डीयू)]

पी. के. वेणुगोपाल, अनुभाग अधिकारी

New Delhi, the 31st July, 2014

**S.O. 2196.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 73/2013) of the Cent. Govt. Indus. Tribunal-cum-Labour Court-I, Chandigarh now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of General Manager, Telecom, Bharat Sanchar Nigam Ltd., Shimla and their workman, which was received by the Central Government on 30/07/2014.

[No. L-40012/30/2013- IR (DU)]

P. K. VENUGOPAL, Section Officer

**ANNEXURE**

**BEFORE SHRI SURENDRA PRAKASH SINGH,  
PRESIDING OFFICER, CENTRAL GOVT.  
INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT-I,  
CHANDIGARH**

**Case ID No. 73 of 2013**, Reference no. L-40012/30/2013-IR(DU) dated 24/05/2013

Sh. Veer Chand  
S/o Sh. Shankar Dass  
R/o Vill Rouni  
P.O. Dalash, Teh. Anni  
Kullu (HP).

...Workman

**Versus**

1. The General Manager  
Telecom, Bharat Sanchar Nigam Ltd.,  
Shimla Telecom District,  
Block No.35, SDA Complex,  
Kasumpati, Shimla  
(Himachal Pradesh)-9
2. M/s. Equinix Guards &  
Security Services,  
VPO Ambari Malan, Kangra.
3. M/s. HP Ex-Servicemen Corporation,  
Haripur, Distt. Hamirpur,(HP) ...Respondents.

**Appearances:**

For the Workman : None.

For the Management : Sh.D.R.Sharma for Respondent  
No.1 None for Respondent  
No. 2 & 3.

**AWARD**

Passed on:- 23.07.2014

Government of India Ministry of Labour vide notification No.L-40012/30/2013-IR (DU) dated 24/05/2013 has referred the following dispute to this Tribunal for adjudication:

“Whether the action of the Management of Bharat Sanchar Nigam Ltd. Shimla in terminating the services of Sh. Veer Chand S/o Sh. Shankar Dass w.e.f. 31.1.2011 who was engaged by General Manager, BSNL, Shimla through contractor M/s. H.P. Ex-Servicemen Corporation Hamirpur is just and legal? To what relief the workman is entitled to and what directions are necessary in the matter?”

2. Today the case was fixed for filing of the claim statement by the workman. The learned counsel Sh. J.R.Syal who was appearing for workman pleads no instructions already seven opportunities have been allowed to the workman to file claim statement. No claim statement has been filed by the workman. It appears that the workman is not interested to pursue the present reference. In view of the above the present reference is returned for want of prosecution.

3. Reference is disposed off accordingly. Central Govt. be informed. Soft copy as well as hard copy be sent to the Central Govt. for publication.

Chandigarh.  
23-7-2014

S. P. SINGH, Presiding Officer

नई दिल्ली, 1 अगस्त, 2014

**का.आ. 2197.**—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ई. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण/श्रम न्यायालय, असनसोल के पंचाट (संदर्भ संख्या 92/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/08/2014 को प्राप्त हुआ था।

[सं. एल-22012/210/2007-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 1st August, 2014

**S.O. 2197.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 92/2007) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of M/s. Eastern Coalfields Limited and their workman, received by the Central Government on 01/08/2014.

[No. L-22012/210/2007- IR (CM-II)]

B. M. PATNAIK, Desk Officer

#### ANNEXURE

**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT**  
**KANYAPUR, PO:- R.K.MISSION, ASANSOL,**  
**DIST.-BURDWAN, PIN-713305, (W.B.)**

**Present:**

SRI PRAMOD KUMAR MISHRA, Presiding Officer

**REFERENCE NO. 92 OF 2007**

**PARTIES:** The management of Satgram Project, Devchandnagar, ECL.

Versus

Sri Kazi Asraf

**REPRESENTATIVES:**

For the management : Shri P.K. Goswami, Ld.  
Advocate

For the union (Workman) : Shri Sayantan Mukherjee,  
Ld. Advocate

**INDUSTRY: COAL** STATE: WEST BENGAL  
Dated – 09.07.2014

**AWARD**

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India

through the Ministry of Labour vide its letter No. L-22012/210/2007-IR(CM-II) dated 24.10.2007 has been pleased to refer the following dispute for adjudication by this Tribunal.

#### SCHEDULE

“Whether the action of the management of M/s. ECL to extend the Training period from 18 (eighteen) months to 24 (twenty four) months and not regularizing Shri Kazi Asraf w.e.f.19.08.2002 is legal and justified? If not, to what relief is the workman entitled?”

Having received the Order No. L-22012/210/2007-IR(CM-II) dated 24.10.2007 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 92 of 2007 was registered on 20.11.2007 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

On perusal of the case record, I find that my predecessor (Late Jayanta Kumar Sen, the then P.O.) of this Tribunal had reserved an award in this case because Sri Sayantan Mukherjee, Assistant General Secretary of the union submitted that the case might be closed as the workman was no more interested to proceed with the case further. Since the workman is no more interested to proceed with the case further, the case is closed. As such the case is closed and accordingly an order of “No Dispute” award is hereby passed.

#### ORDER

Let an “Award” be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 1 अगस्त, 2014

**का.आ. 2198.**—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ. सी. आई. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण/श्रम न्यायालय-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 13/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/08/2014 को प्राप्त हुआ था।

[सं. एल-22011/41/2009-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 1st August, 2014

**S.O. 2198.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 13/2009) of the Cent. Govt. Indus. Tribunal-cum-Labour Court-I, Chandigarh as shown in the Annexure, in the industrial dispute between the management of Food Corporation of India and their workman, received by the Central Government on 01/08/2014.

[No. L-22011/41/2009- IR (CM-II)]

B. M. PATNAIK, Desk Officer

#### ANNEXURE

**BEFORE SHRI SURENDRA PRAKASH SINGH,  
PRESIDING OFFICER, CENTRAL GOVT.  
INDUSTRIAL TRIBUNAL- CUM-LABOUR  
COURT-I, CHANDIGARH.**

**Case ID No. 13 of 2009.** Reference No. L-22011/41/2009-IR(CM-II)dated 13.10.2009 Read with Corrigendum dated 27.04.2010

Sh. Raman Kumar

S/o Late Sh. Sohan Lal

R/o Street No.1, Near Bus Stand

Basti Hazoor Singh, Fazilka

Punjab.

...Workman

Versus

1. The District Manager  
Food Corporation of India,  
District Office, Malwal Road,  
Ferozpur City, Punjab.

2. The General Manager  
Food Corporation of India,  
R.O. Punjab, Sector-31  
CHANDIGARH.

...Respondent

#### Appearances:

For the Workman : None.

For the Management : Sh. N.K. Zakhmi.

#### AWARD

Dated:-27.03.2014

Government of India Ministry of Labour vide notification No.L-22011/41/2009-IR(CM-II)dated 13.10.2009 Read with Corrigendum dated 27.04.2010 has referred the following dispute to this Tribunal for adjudication:

#### Term of Reference:

“Whether the action of the management of FCI, Ferozpur in not giving compassionate appointment to Sh. Raman Kumar S/o Late Sh. Sohan Lal is legal and justified? To what relief is the claimant entitled for?”

2. The workman in his claim statement submitted that his father late Sh. Sohan Lal was working as dusting operator, at FCI, FSD, Fazilka and was a permanent employee. He was expired on 19.12.1999. After his death he left behind one son, two daughters and wife in the family. After his death, the widow Sudesh Rani filed application for GP fund and other benefits and also for a job on compassionate ground to Raman Kumar her son. She got the G.P. fund and other benefits but compassionate appointment was not given to his son Raman Kumar. The management was persuaded many times, every document was complete. Every objection raised by the management was removed. Despite reminders many times the applicant Raman Kumar was not given compassionate appointment although approximately 300 jobs available in the department in the year 2011. The applicant was denied job on compassionate ground and his application was rejected for category IV post. The applicant is Msc and even eligible for the post of AG-3 in the department. The applicant stated in the claim statement that now his helpless widow mother and one unmarried sister are dependant upon him. His father was only earning hand.

3. It is submitted by the applicant that his family facing acute penury. Despite the fact that jobs are lying vacant in the management of FCI but applicant Raman Kumar denied compassionate appointment though he fully eligible for the post. It is prayed by the applicant that directions may be given to the management for giving him a job on a suitable post according to his qualification on the compassionate ground in place of his father. Along with claim statement, applicant annexed all the correspondence certificate, affidavit sent to the management.

4. Management filed written statement. Preliminary objection has been taken that the claim of the applicant does not fall within the ambit of any provision of the ID Act. The claim of appointment on compassionate ground for employment in place of his father does not constitute industrial dispute. Therefore the present reference is without jurisdiction and deserves to be dismissed. It is further pleaded by the management that appointment on compassionate ground can be made only to mitigate the hardship caused to the family of the deceased on account of unexpected death, only to alleviate the stress of the family, but not at belated stage, as these grounds are no more. After the death of the father of the applicant, management released the ex-gratia payment of Rs.1500/- and benevolent fund of Rs.5000/-. The gratuity amount of Rs.5000/- and 35500/- on account of GIS were also released. Balance of gratuity amounting to Rs.80755/- on the revision of pay scale were also paid to the family of the deceased. It is pleaded by the management that now there exist no ground of hardship. Therefore present claim of the applicant deserved to be dismissed. Smt. Sudesh Rani widow of the deceased applied for employment on

compassionate ground for his son vide her application dated 20.02.2000, which was sent to the Regional Office by the District Manager. On account of discrepancies the applicant was asked to remove the objection. After removing the objections the application was again submitted on 21.08.2000. The application was sent to the Zonal Office and as per clarification of applicant he was not considered by the Zonal Office, which was conveyed to the applicant vide letter to the applicant vide letter dated 13.12.2006 by the Zonal Office. During the year 2000, 2001, 2002, 2003, the Zonal Empowered Committee examined the case of the applicant, on merit his candidature was rejected with the approval of the Competent Authority as no vacancy within the ceiling limit of 5% direct quota exist. As per the instructions of the FCI, the workman was not entitled for the appointment on compassionate ground. On merits, also the management denied the claim of the applicant and prayed for dismissal of the reference.

5. The workman filed rejoinder, reiterating the claim made in the claim statement.

6. The learned counsel for the workman on 29.08.2012 closed the evidence by making statement that he did not want to lead evidence on behalf of the workman. The management was directed to file their evidence. The management filed one affidavit of Sh. Rahul Chandan, Area Manager, FCI, Ferozepur, along with scheme of compassionate appointment and other document. The Applicant or his Counsel stopped coming on the hearing of the case. The affidavit of the management goes unrebuted.

7. Arguments heard on behalf of the management as none appeared for the workman.

8. The learned counsel for the management submitted during arguments that the case of the applicant does not cover under any provisions of the Industrial Dispute Act. Therefore, this court has no jurisdiction to entertain this reference. It is further argued that the applicant was not entitled for compassionate appointment as per the scheme of FCI which has been annexed with the affidavit of the management. It is also submitted that during the year 2000, 2001, 2002, 2003 the candidature of the applicant was not considered as there was no post exists. He was informed in 2006 for being eligible for the post of class-IV, but as per the scheme of the FCI, he was not entitled for this compassionate appointment and there was no mitigating circumstances existing then as compared to in the year 1999, when the father of the applicant was expired. The mother of the applicant was paid full amount of the dues of his father.

9. The management has taken objection that the applicant Sh. Raman Kumar is not a workman within the definition Section 2(s) of the ID Act, 1947. It is admitted case that Raman Kumar applicant has sought appointment

on compassionate ground due to the death of his father Sohan Lal who was working as dusting operator a class IV post and was a permanent employee of the respondent Food Corporation of India. Learned counsel for the respondent refer me to the provision 2 (k) of the ID Act 1947 which reads as under:

“2 (k) Industrial Dispute” means any dispute or difference between employers and employers, or between employers and workman, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person;”

10. Thus the applicant Raman Kumar is not a workman and dispute raised by Raman Kumar does not fall within the ambit of Industrial Disputes Act, 1947. Besides this, management has filed the photocopy of the letter dated 19.04.2002 addressed to Raman Kumar applicant by Assistant Manager (E.IX) from the Zonal Office which is follow :

“In this connection, you are informed that as per information/qualification furnished by you, you are eligible for appointment to the post of category IV.

It is however, regretted to inform you that because of inadequate number of vacancies available, this office is unable to consider your request for appointment on compassionate grounds.”

11. This letter was sent by the respondent in the month of April, 2002. Whereas this reference was initiated by the applicant in the year, 2009 which is belated as the same has been raised after a gap of seven years. Moreover, the management also relied upon a communication from the Govt.of India vide a letter no. 14014/19/2002-Estt.(D) dated 5<sup>th</sup> May, 2003 para 3 of the above communication is reproduced below:

“The maximum time a persons name can be kept under consideration of offering compassionate appointment will be three years, subject to the condition that the prescribed committee has reviewed and certified the penurious condition of the applicant at the end of the first and second year. After three years. If compassionate appointment is not possible to be offered to the applicant, his case will be finally closed and will not be considered again.”

12. Taking into consideration the facts and circumstances of this case the present reference is not covered under the definition of ‘Industrial Dispute’ as defined under section 2(k) of the ID Act, 1947. Moreover the present reference has been raised by the applicant after a long gap of seven years which is belated and cannot be considered. In view of the above the action of the

management of F.C.I., Ferozepur in not giving compassionate appointment to Sh. Raman Kumar S/o Late Sh. Sohan Lal is legal and justified and the applicant is not entitled to any relief. The reference is answered accordingly. Central Govt. be informed . Soft as well as hard copy be sent to the Central Govt. for publication.

Chandigarh.

27.3.2014

S. P. SINGH, Presiding Officer

नई दिल्ली, 1 अगस्त, 2014

**का.आ. 2199.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एफ. सी. आई. प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 429/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/08/2014 को प्राप्त हुआ था।

[सं. एल-22012/549/1999-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 1st August, 2014

**S.O. 2199.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 429/2005) of the Cent. Govt. Indus. Tribunal-cum-Labour Court-II, Chandigarh as shown in the Annexure, in the industrial dispute between the management of Food Corporation of India and their workman, received by the Central Government on 01/08/2014.

[No. L-22012/549/1999- IR (CM-II)]

B. M. PATNAIK, Desk Officer

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

##### Present:

Sri Kewal Krishan, Presiding Officer.

**Case No. I.D. No. 429/2005**

Registered on 19.8.2005

Smt. Raj Rani Sharma  
House No.1034, Sector 9  
Huda, Karnal (Haryana).

... Petitioner

Versus

Sr. Regional Manager  
FCI, Punjab Region, Sector 34-A  
Chandigarh.

... Respondents

#### Appearances:

For the Workman

Sh. O.P. Batra Adv.

For the Management

Sh. N.K. Zakhmi Adv.

#### AWARD

Passed on 23.6.2014

Central Government vide Notification No. L-22012/549/99/IR(CM-II) Dated 27.7/1.8.2000, by exercising its powers under Section 10 Sub-section (1) Clause (d) and Sub-section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial dispute for adjudication to this Tribunal:-

"Whether the action of the Management of FCI represented by Distt. Manager, FCI, Rohtak and Sr. R.M. FCI, Haryana Region, Sector 17, Chandigarh in terminating the services of Smt. Raj Rani Sharma w.e.f. 22.1.91 is fair and just? If not, to what relief the workman is entitled?"

The facts in brief are that the workman was employed as Assistant Grade-II with the respondent management where she joined on 10.5.1979. She did not attend to her duties after 5.6.1987 despite issuance of several letters and even publication of notice in The Daily Hindi Tribune dated 27.9.1990; and her services were dispensed with in view of the provisions of Regulation No.63(ii) of the FCI Staff Regulations, 1971.

Now according to the workman she was suffering from Acid Ailment and got treatment from Hisar from 1.6.1987 to 30.6.1989 where her husband was posted. He was transferred to Bhiwani and she started getting treatment from Dr. R.C. Pandey there. She used to inform the office at Rohtak about her illness through letters and by verbal information. That her services were terminated illegally without holding any inquiry.

The stand of the management is that since the workman was willfully absent from her duty, her services were rightly dispensed with under Regulation No. 63(ii) and the order is legal and valid. It is further pleaded that workman already filed a Civil Suit which was decided against her and therefore the present claim made by her is barred by the principle of res judicata.

Parties were given opportunity to lead its evidence.

In support of her case, the workman appeared in the witness box and filed her affidavit reiterating the case as set out in the claim petition.

On the other hand, the management examined Sh. Surinder Singh, Area Manager, who filed his affidavit reiterating the stand taken by the management in the written reply.

I have heard Sh. O.P. Batra counsel for the workman and Sh. N.K. Zakhmi, counsel for the management.

Section 5 of the FCI Staff Regulations, 1971 deals with penalties providing the minor and major penalty to be imposed and further provides under Regulation No.58, the procedure to be followed for imposing major penalty. Regulation No.63 provides for a special procedure and it read as follows:-

Notwithstanding anything contained in Regulation 58 to Regulation 62:

- (i) Where any penalty is imposed on an employee on the ground of conduct which has led to his conviction on a criminal charge, or
- (ii) Where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these regulations.
- (iii) Where the Board is satisfied that in the interest of security of the State, it is not expedient to hold any inquiry in the manner provided in these regulations,

The disciplinary authority may consider the circumstances of the case and make such orders thereon as it deems fit.

Learned counsel for the workman has argued that when the due procedure is not to be followed for holding the inquiry, then the disciplinary authority is required to record the reasons in writing that it is not reasonably practicable to hold an inquiry before imposing the punishment and the perusal of the impugned order shows that the disciplinary authority did not record any reason in this respect and therefore the impugned order is illegal and void. He has further argued that according to the management it issued letters to the workman to attend duties from 14.3.1985 to 17.2.1987 at different times whereas, its case is the workman was absent w.e.f. 5.6.1987 and therefore the case of the management is fabricated one and the impugned order passed on false allegations is liable to be set aside.

I have considered the contention of the learned counsel. The definite case of the management is that the workman remained absent w.e.f. June, 1987 till the passing of the impugned order in January, 1991. The workman did not deny these allegations and rather herself pleaded that she was sick and remained under treatment at Rohtak from 1.6.1987 to 30.6.1989 and thereafter at Bhiwani. But there is no evidence on the record that she was ever sick during the impugned period. She admits during cross-examination that she has received the telegrams and letters prior to June 1987. Meaning thereby, that she was in the habit of remaining absent even prior to June, 1987 and after June 1987, she did not join the duties at all. A notice was duly published in The Daily Hindi Tribune dated 27.9.1990, the photocopy of which is on the file and the correctness of

the same is not disputed. It is specifically mentioned therein that if she failed to join her duties, her services would be terminated under Regulation No.63(ii) of the FCI Staff Regulations, 1971. But even than she did not care to join her duties and thereafter the impugned order was passed. Since she was absent for years together and therefore the holding of the inquiry do not arise and the competent authority rightly passed the order under Regulation No.63(ii) of the FCI Staff Regulations, 1971. In the circumstances, the punishing authority was not required to record any specific reasons which are otherwise evident from the circumstances.

It may also be added that the workman filed Civil Suit No.1232 on 22.1.1993 and decided on 13.12.1994 and is clear from the copy of judgment against her dismissal in which issue No.1 and Issue No.5 are framed as follow:-

#### Issue No.1

Whether the termination order dated 21.1.1991 is illegal, null and void and is liable to be set aside, as alleged? OPP

#### Issue No.5

Whether the Civil Court has no jurisdiction to try the present suit? OPD

The learned court recorded the findings in Issue No.1 as follows:-

In the present case also, the plaintiff has been found guilty of misconduct and remained absent from duty. Accordingly, the order of termination dated 21.1.1991 is legal.

The learned Court again recorded finding on Issue No.5 as follow:-

Admittedly, the plaintiff is the workman and her claim, if any, could only be settled under provisions of Industrial Disputes Act. The jurisdiction of the Civil Court is specifically debarred. The learned counsel for the defendant has relied upon AIR, 1975, S.C. 2238 Premium Auto Mobile Vs. Kamlakar Shantaram Wadke and Others. In view of the referred authority, the civil court has got no jurisdiction to entertain the present suit. The issue is answered in favour of the defendants and against the plaintiff.

Thus, the Civil Suit has given a definite finding that the termination of the services of the workman was legal and valid and the same is binding on the workman. Here it was submitted that since the civil suit has no jurisdiction to try the suit and therefore this finding carry no value. Findings of the learned court regarding its jurisdiction may or may not be correct, but its finding that the termination order is legal is binding on the workman and the workman cannot agitate the matter time and again and therefore the present reference stands barred by the principle of res judicata. Thus seen from any angle, the impugned order cannot be termed as illegal and unfair.

In result, it is held that the action of the management in terminating the services of the workman is fair and just and she is not entitled to any relief. The reference is accordingly answered against the workman. Let hard and soft copy of the award be sent to the Central Government for further necessary action.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 1 अगस्त, 2014

**का.आ. 2200.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ई. सी. एल. प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधि करण/श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 07/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/08/2014 को प्राप्त हुआ था।

[सं. एल-22012/389/2007-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 1st August, 2014

**S.O. 2200.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 07/2008) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of M/s. Eastern Coalfields Limited and their workman, received by the Central Government on 01/08/2014.

[No. L-22012/389/2007-IR (CM-II)]

B. M. PATNAIK, Desk Officer

#### ANNEXURE

**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT KANYAPUR, PO:- R.K.MISSION, ASANSOL, DIST.-BURDWAN, PIN-713305, (W.B.)**

**Present:**

SRI PRAMOD KUMAR MISHRA, Presiding Officer

#### REFERENCE NO. 07 OF 2008

**Parties:** The management of Madhabpur Colliery, ECL.

Vs.

Shri Matla Majhi

#### REPRESENTATIVES:

For the Management : Shri P.K. Das, Ld. Advocate

For the union (Workman) : Shri M.K. Bandopadhyay, Ld. Advocate

INDUSTRY: COAL

STATE: WEST BENGAL

Dated—09.07.2014

#### AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter NO. L-22012/389/2007-IR(CM-II) dated 05.03.2008 has been pleased to refer the following dispute for adjudication by this Tribunal.

#### SCHEDULE

“Whether the action of the management of M/s. ECL in dismissing Shri Matla Majhi w.e.f. 12.02.2007 is legal and justified? If not, to what relief is the workman entitled?”

Having received the Order NO. L-22012/389/2007-IR(CM-II) dated 05.03.2008 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 07 of 2008 was registered on 14.03.2008 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

On perusal of the case record, I find that my predecessor (Late Jayanta Kumar Sen, the then P.O.) of this Tribunal had reserved an award in this case because the workman was neither appearing nor taking any step after 16.02.12. Several adjournments were granted but to no effect. It seems that the workman is now not at all interested to proceed with the case. As such the case is closed and accordingly an order of “No Dispute” award is hereby passed.

#### ORDER

Let an “Award” be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 1 अगस्त, 2014

**का.आ. 2201.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ई. सी. एल. प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधि करण/श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 64/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/08/2014 को प्राप्त हुआ था।

[सं. एल-22012/166/2007-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 1st August, 2014

**S.O. 2201.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 64/2007) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of M/s. Eastern Coalfields Limited and their workmen, received by the Central Government on 01/08/2014.

[No. L-22012/166/2007-IR(CM-II)]

B. M. PATNAIK, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

##### Present:

SRI PRAMOD KUMAR MISHRA, Presiding Officer

#### REFERENCE NO. 64 OF 2007

**Parties:** The management of Chapuikhas Colliery of M/s. ECL

Vs.

Sri Sadhan Bouri

##### REPRESENTATIVES:

For the management : Sri P.K. Goswami, Ld.  
Advocate

For the union (workman) : None

INDUSTRY: COAL STATE: WEST BENGAL

Dated – 10.07.14

#### AWARD

In exercise of powers conferred by clause (d) of sub-section(1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its Order No. L-22012/166/2007-IR(CM-II) dated 07.08.2007 has been pleased to refer the following dispute for adjudication by this Tribunal.

#### SCHEDULE

“Whether the action of the management of Chapuikhas Colliery of M/s. ECL in dismissing Shri Sadhan Bouri w.e.f. 05.03.2005 is legal and justified? If not, to what relief is the workman entitled?”

Having received the Order of Letter No.L-22012/166/2007-IR(CM-II) dated 07.08.2007 of the above said reference

from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 64 of 2007 was registered on 04.09.2007 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

On perusal of the case record, I find that my predecessor (Late Jayanta Kumar Sen, the then P.O.) of this Tribunal had reserved an award in this case because neither the union nor the workman appeared and took any step after 02.06.10 in spite of several opportunities. It seems that the workman/union is now no more interested to proceed with the case further. As such the case is closed and accordingly an order of “No Dispute” award is hereby passed.

#### ORDER

Let an “Award” be and the same is passed as “No Dispute” existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for needful information. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 1 अगस्त, 2014

**का.आ. 2202.**—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ई. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय, असनसोल के पंचाट (संदर्भ संख्या 107/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/08/2014 को प्राप्त हुआ था।

[सं. एल-22012/453/1998-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 1st August, 2014

**S.O. 2202.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 107/1999) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of M/s. Eastern Coalfields Limited and their workman, received by the Central Government on 01/08/2014.

[No. L-22012/453/1998-IR (CM-II)]

B. M. PATNAIK, Desk Officer

**ANNEXURE****BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL****Present:**

SRI PRAMOD KUMAR MISHRA, Presiding Officer

**REFERENCE NO. 107 OF 1999**

**Parties:** The management of Madhavpur Colliery of M/s. ECL,

Vs.

Sri Bindheswari Thakur

**REPRESENTATIVES:**

For the management : Sri P.K. Das, Ld. Advocate

For the union (Workman) : Sri Rakesh Kumar, Ld. Representative

INDUSTRY: COAL STATE: WEST BENGAL

Dated – 10.07.14

**AWARD**

In exercise of powers conferred by clause (d) of sub-section(1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its Order No. L-22012/453/98-IR(CM-II) dated 30.07.1999 has been pleased to refer the following dispute for adjudication by this Tribunal.

**SCHEDULE**

“Whether the action of the management of Madhavpur Colliery, Kajora Area of M/s. ECL in not forwarding the age dispute to the Age Determination Committee in respect of Sh. Bindheswari Thakur, Clip man for assessment of his age is legal and justified? If not, to what relief is the workman entitled?”

Having received the Order of Letter No.L-22012/453/98-IR(CM-II) dated 30.07.1999 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 107 of 1999 was registered on 18.08.1999 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

On perusal of the case record, I find that my predecessor (Late Jayanta Kumar Sen, the then P.O.) of this Tribunal had reserved an award in this case because

the workman in spite of direction through union's representative did not appear before the court. With consent of the both parties the case was closed. As such the case is closed and accordingly an order of “No Dispute” award is hereby passed.

**ORDER**

Let an “Award” be and the same is passed as “No Dispute” existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for needful information. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 1 अगस्त, 2014

**का.आ. 2203.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ई. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, असनसोल के पंचाट (संदर्भ संख्या 31/1991) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/08/2014 को प्राप्त हुआ था।

[सं. एल-22012/96/1991-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 1st August, 2014

**S.O. 2203.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 31/1991) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of M/s. Eastern Coalfields Limited and their workmen, received by the Central Government on 01/08/2014.

[No. L-22012/96/1991-IR (CM-II)]

B. M. PATNAIK, Desk Officer

**ANNEXURE****BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL****Present:**

SRI PRAMOD KUMAR MISHRA, Presiding Officer

**REFERENCE NO. 31 OF 1991**

**Parties:** The management of Jaykaynagar (R) Colliery of M/s. ECL,

Vs.

Sri Bhairo Hela &amp; 13 others

**REPRESENTATIVES:**

For the management : Sri P.K. Das, Ld. Advocate

For the union (Workman) : Sri S. Mukherjee, Ld.  
Advocate  
Industry : Coal State : West Bengal  
Dated – 15.07.14

**AWARD**

In exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its Order No. L-22012/96/91-IR(CM-II) dated 29.07.1991 has been pleased to refer the following dispute for adjudication by this Tribunal.

**SCHEDULE**

“Whether the action of the management of Jaykaynagar (R) Colliery under Satgram Area of M/s. E.C.L. in not taking the following 14 workmen on permanent roll of the company as sweepers, was justified? If not, to what relief the concerned workmen are entitled and from what date?”

Having received the Order of Letter No. L-22012/96/91-IR(CM-II) dated 29.07.1991 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 31 of 1991 was registered on 07.08.1991 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

On perusal of the case record, I find that my predecessor (Late Jayanta Kumar Sen, the then P.O.) of this Tribunal had reserved an award in this case because the workman despite several opportunities neither appeared nor filed his evidence on affidavit. It seems that the workman has lost all its interest to proceed with the case further. As such the case is closed and accordingly an order of “No Dispute” award is hereby passed.

**ORDER**

Let an “Award” be and the same is passed as “No Dispute” existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for needful information. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 1 अगस्त, 2014

**का.आ. 2204.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ई. सी. एल. के

प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय, असनसोल के पंचाट (संदर्भ संख्या 47/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/08/2014 को प्राप्त हुआ था।

[सं. एल-22012/10/1996-आईआर (सी-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 1st August, 2014

**S.O. 2204.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 47/1996) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of M/s. Eastern Coalfields Limited and their workman, received by the Central Government on 01/08/2014.

[No. L-22012/10/1996-IR (C-II)]

B. M. PATNAIK, Desk Officer

**ANNEXURE****BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL****Present:**

Sri PRAMOD KUMAR MISHRA, Presiding Officer

**REFERENCE NO. 47 OF 1996**

**Parties:** The management of Kendra Colliery of M/s. ECL

Vs.

Sri Jogendra Mondal

**REPRESENTATIVES:**

For the management : Sri P.K. Das, Ld. Advocate

For the union (Workman) : None

Industry : Coal State : West Bengal

Dated – 15.07.14

**AWARD**

In exercise of powers conferred by clause (d) of sub-section(1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its Order No. L-22012/10/96-IR(C-II) dated 19.11.96 has been pleased to refer the following dispute for adjudication by this Tribunal.

**SCHEDULE**

“Whether the action of the management of the Kendra Colliery, Pandaveshwar Area of M/s. ECL, PO: Pandaveshwar, Distt. Burdwan (W.B.) in

dismissing Sh. Jogendra Mondal, Timber Mazdoor w.e.f. 24.03.92 is justified? If not, what relief the workman is entitled to?"

Having received the Order of Letter No. L-22012/10/96-IR(C-II) dated 19.11.96 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 47 of 1996 was registered on 26.11.96 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

On perusal of the case record, I find that my predecessor (Late Jayanta Kumar Sen, the then P.O.) of this Tribunal had reserved for award in this case because the workman was neither appearing nor taking any step since 09.12.2009 despite registered notice. I also find no reason to keep this old record pending as the workman is not taking any step since long. As such the case is closed and accordingly an order of "No Dispute" award is hereby passed.

### ORDER

Let an "Award" be and the same is passed as "No Dispute" existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for needful information. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 4 अगस्त, 2014

**का.आ. 2205.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में केन्द्रीय सरकार टिस्को लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय-2, धनबाद के पंचाट (संदर्भ संख्या 20/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/08/2014 को प्राप्त हुआ था।

[सं. एल-20012/182/2003-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 4th August, 2014

**S.O. 2205.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 20/2004) of the Cent. Govt. Indus. Tribunal-cum-Labour Court-II, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. Tisco Ltd.

and their workman, received by the Central Government on 04/08/2014

[No. L-20012/182/2003-IR(C-I)]

M. K. SINGH, Section Officer

### ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2), AT DHANBAD

#### Present:

Shri KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D.Act.,1947.

#### REFERENCE NO 20 OF 2004

#### Parties :

The Gen.Secrety,  
Colliery Karmchri Sangh, at Nunudih,  
PO : Patheridih, Dhanbad.

#### Vs.

General Manager (Collieries)  
M/s. TISCO Ltd.  
At PO : Jamadoba, Dhanbad.,  
Ministry's Order No.L-20012/182/2003-IR(C-I)  
dt.24.12.2003.

#### Appearances :

On behalf of the workman/: Mr. A.D. Choudhary, Union  
Union Rep.-cum-Ld.Advocate

On behalf of the : Mr D. K. Verma,  
Management Ld. Advocate.

State Jharkhand : Industry : Coal

Dated, Dhanbad, the 19th June, 2014

### AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act.,1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/182/2003-IR(C-I) dt.24.12.2003.

### SCHEDULE

"Whether the action of the Management of Bhelatand Colliery of M/s. Tisco in dismissing Sri Nirmal Mahato w.e.f. 25.10.2002 from the services of the company is fair and justified? If not, to what relief is the concerned workman entitled?"

On receipt of the Order No. L-20012/182/2003-IR(C-I) dt.24.12.2003 of the above mentioned reference from the Government of India, Ministry of Labour & Employment,

New Delhi for adjudication of the dispute, the Reference Case No.20-2004 of was registered on 12.01.2004 and accordingly an order to that effect was passed to issue notices through the Registered Posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties made their appearances and filed their pleadings and photocopies of their documents. The Union and the O.P./Management through their Representatives/Advocate, and contested the case, respectively.

2. The case of the sponsoring Colliery Karmchari Sangh for workman Nirmal Mahato is that when he went to mark his attendance for his work in 'B' Shift on 12.06.02, he was not allowed to do so as per the instruction of the Personal Officer, Manik Sinha as told by the Clerk Rai. As the Personnel Officer was not present on that day. On his visit to the Personnel Officer, Manik Sinha, on the following 13<sup>th</sup> June, 2002, Mr. Sinha directed him to manipulate the land of Plot No.531 with his brother Nilkanth Mahato, otherwise no permission to mark his attendance, and he would face ultimate action. Similarly, Manager L.S.Diwakaran had threatened him to give the plot to the company on one month prior to the issuance of the charge. The charge dt.13.06.02 issued to him on 17.06.02 related to the presence of the workman at the plot of altercation on the said plot land at 8.00 a.m. as stated by Sri A.N. Sarkar, and to stopping of the Company's work along with the workman and then the land plot belonged to the Company simultaneously, he was suspended w.e.f. 13.06.02. Though it was imposed on 12.06.2002 without any reason, the subsistence allowance Rs.7,2000- at one time was paid on 2.9.2002. The charge is absolutely baseless against him. When the Management's all tricky plans even with one factor of conflict between both separate brothers to acquire the said plot land in collusion failed, the workman was dismissed as per the letter dt.22/23.10.2002 w.e.f. 25.10.2000 based on the perverse and prejudiced enquiry report. The enquiry was quite illegally, as no copy of enquiry proceeding or statement along with second show cause was supplied to him, resulting him of deprivation of proper opportunity for a complete reply. The workman was taken into service in place of the Land of Sijua Khata No.38, but the plot No.531 of Khata No.2 of Bhelatand in which he has no share belongs to his brother Nilkanth Mahato. If the plot of land belonged to the company why management unsucceeded in building its stowing plant, but it had to dismantle /destroy the quarters, and then built the plant. The action of the management in dismissing the workman is not justified. He is entitled to reinstatement in service with full back wages and all due benefits.

3. The Union Representative in the rejoinder for the workman has specifically denied the allegations of the O.P./Management, and stated that the workman had got the service in lieu of the 2.03 Acres land under Khata No. 38 at Sijua Mauza but in the present land in issue, there are numerous disputes still pending between Sri Nilkanth Mahato and the TISCO Management, whose several claims rejected by the Court. Since the signature drawn on duress and the witnesses of the workman were disallowed by the Enquiry Officer, the enquiry was itself defective and malafide. Earlier the workman was issued a letter of the charge instructing him to fill up the "Goaf" in other persons' lands which did not belong to the Company. The charge was dropped and no enquiry was conducted into the charge dt. 31.3.2001 for not allowing the instruction of Sri A. K.Thakur on 17.05.2001. The present charge with suspension also refers to Sri A.K.Thakur, along with Sri Manik Sinha, L. S. Diwakaran, Sri Sanak Ghosh and several others Authorities involved in directing the workman for manipulation of the plot land of his brother.

4 Whereas categorically denying all the allegation of the workman, the pleaded case of the O.P./Management is that the industrial dispute raised by the Union concerned without its locus standi is unmaintainable. On 16.12.2002, the workman concerned forcibly stopped the company's work at Plot No.531 at Bhelatnd Mauza. The above act of the workman amounted to the misconduct causing the damage to work in progress of the Company under the clause 19(9) of the Company's Certified Standing Orders. He was issued the chargesheet as per the charge sheet dt.13.06.2002 for his misconduct. He also submitted his reply dt.20.06.2002 to it. Finding the reply of the workman unsatisfactory, the Management constituted the departmental enquiry, by appointing the Enquiry Officer to hold it as per the principle of natural justice. After accordingly conducting the enquiry, the Enquiry Officer submitted his report, by holding the charges established against the workman beyond reasonable doubts. On overall consideration of the charge sheet, reply, enquiry proceeding and enquiry report, the Management dismissed the workman w.e.f. 25.10.2002. Permission sought by the O.P./Management to prove the enquiry on merits, if it was decided as unfair at the preliminary issue.

The O.P./Management in its rejoinder has categorically denied all the legations of the workman as baseless and incorrect, and stated that the workman was given full opportunity for his defence; the enquiry report is based on evidence.

#### FINDING WITH REASONS

5. In the present reference, on consideration of the materials produced by the O.P./Management at the preliminary issue, the Tribunal as per the Order No.26 dt.07.2.12 has held the domestic enquiry fair and legal in accordance with the principle of natural justice. So it

directly came upon for hearing the final, argument of both the parties on merits.

Mr. A. D. Choudhary, the Union Representative cum Ld. Advocate for the Union/workman as per his written argument as well submits that workman Nirmal Mahato was given the service in M/s. Tata Steel Ltd. in lieu of the Land given to it measuring 2.03 acres under Khata No.38 of Sijua Mauza in the year 1992, but he was issued the chargesheet by the Management for his alleged forceful stopping the company's work at Plot No.531 Bhelatand Mauza from 12.6.2002 amounting to a misconduct of causing damage to work in progress of the Company under clause 19(9) of the Company's Certified Standing Order; simultaneously with his suspension, during the workman also submitted his reply on 20.6.2002 (Ext.M.2) that the land of said plot was not his, rather it was in the share of his Nilkanth Mahato who was separate; on the enquiry report of the Enquiry Officer concerned holding the charge levelled as established against the workman (Ext. M.3) after the enquiry. The workman also represented his aforesaid status in respect of the disputed plot which was claimed by his Brother Nilkanth Mahato who was separate from his all along (his reply to the 2<sup>nd</sup> Show Cause Exts. M.7 & 6 respectively). Even then the workman was dismissed from the service as per letter dt.22/23.10.2002 of the Management (M.8) which was very harsh in view of the nature of alleged misconduct. Mr. Choudhary has emphatically submitted that his dismissal appears to be quite illegal, arbitrary and motivatedly. So it is liable to be set aside and the workman be reinstated with all the benefits and full back wages.

On the other side, M.D.K.Verma, the Ld.Advocate of the O.P./Management has contended that the plot No.531 belongs to Sri Nilkanth Mahato, his brother workman prevented the work in the progress of the Management so the misconduct was serious in nature, and accordingly he has been rightly awarded with the punishment of his dismissal by the Management for his misconduct.

On the perusal of the materials available on the case record, it appears that the workman has been punished for his alleged preventive action in the work progress of the Management over the disputed of his brother. The employment of the work by the management in lieu of his 2.03 acres land of Mauza Sijua under Khata No.38 is also beyond dispute but the nature of misconduct for his alleged preventive act of the workman over the disputed plot appears to be not so serious as to warrant him his dismissal from his service out right It smacks a malafide motivation towards the workman clearly. The punishment of dismissal to the workman for his minor misconduct is quite disproportionate to the nature of his alleged aforesaid misconduct. It is liable to be set aside.

Considering all the aforesaid factors of the reference, it is hereby responded and accordingly awarded in the

reference that the action of Management of Bhelatand Colliery of M/s. Tisco in dismissing Sri Nirmal Mahato w.e.f. 25.10.2002 from the services of Company is quite unfair and unjustified. Hence, the workman concerned is entitled to reinstatement in his service with 50% back wages and its other benefits.

The O.P./Management is directed to implement the order within one month from the receipt of the Award following its publication in the Gazette of India by the Government of India, Ministry of Labour & Employment, New Delhi.

KISHORI RAM, Presiding Officer

नई दिल्ली, 4 अगस्त, 2014

**का.आ. 2206.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ई. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण/श्रम न्यायालय-2, धनबाद के पंचाट (संदर्भ संख्या 54/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/08/2014 को प्राप्त हुआ था।**

[सं. एल-20012/459/1996-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 4th August, 2014

**S.O. 2206.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 54/1998) of the Cent. Govt. Indus. Tribunal-cum-Labour Court-II, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. ECL and their workman, received by the Central Government on 04/08/2014.**

[No. L-20012/459/1996-IR (C-I)]

M. K. SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD.

#### Present:

Shri KISHORI RAM, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D.Act.,1947.

#### REFERENCE No. 54 OF 1998

#### Parties :

Shri Md. Anawarul Hodda,  
Secretary, Rastriya Koyla Mazdoor Congress,  
Rajmahal Area, Lalmatia, Godda.

Vs.

General Manager  
Rajmahal Area of ECL,  
PO:Lalmatia, Distt: Godda.,  
Ministry's Order No.L-20012/459/96-IR(Coal-I)  
dt.11.03.1998.

**Appearances :**

On behalf of the workman/ : None  
Union

On behalf of the Management : Mr Amarjeet Kumar  
Ld. Advocate

State : Jharkhand Industry : Coal

Dhanbad, dated the 19th June, 2014

**AWARD**

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act.,1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. . L-20012/459/96-IR(Coal-I) dt.11.03.1998.

**SCHEDULE**

“Whether the action of E. C. L. Management of in delaying absorption of Shri Dinbandhu Pandit & 84 others in Category III (Excavation Grade- D) from the initial date of appointment is legal and justified? If not, to what relief the concerned workmen are entitled to and from which date?”

Neither any Representative for the Rastriya Colliery Mazdoor Congress,Godda nor any workman Dinbandhu Pandit & 84 others appeared nor any witness on their behalf produced. Mr.Amarjeet Kumar, Ld. Advocate for the O.P./Management presents.

The perusal of the case record reveals that the case has been all along pending for the appearance of the Union Representative of the workmen. In the reference, there was no list of the workmen for their claim of absorption in Cat.III (Excavation Gr.III) so it has been also pending for awaiting the list of the workmen from the Ministry of labour, Government of India, New Delhi , for which despite repeated reminders no list of workmen could be furnished nor the Union Representative appeared and produced any witness on behalf of the workmen pending since 13.3.2008.

Under these circumstances, the Union Representative as well as the workmen by their conducts appear to be

reluctant in pursuing their case for finality. Hence the case is closed as' No Industrial dispute' existent between both the parties. Accordingly an order of 'No Industrial Dispute' Award is passed.

KISHORI RAM , Presiding Officer

नई दिल्ली, 4 अगस्त, 2014

**का.आ. 2207.—**ओद्योगिक विवाद अधिनियम, 1947 ( 1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार इण्डियन एअर लाइन्स लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 255/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/08/2014 को प्राप्त हुआ था ।

[सं. एल-20013/02/2014-आईआर (सीएम-Ι)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 4th August, 2014

**S.O. 2207.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 255/2004) of the Cent. Govt. Indus. Tribunal-cum-Labour Court-II, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s. Indian Air Lines Ltd. and their workman, received by the Central Government on 04/08/2014.

[No. L-20013/02/2014- IR (CM-I)]

M. K. SINGH, Section Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT  
HYDERABAD**

**Present:**

Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated this the 13<sup>th</sup> day of May, 2014.

**INDUSTRIAL DISPUTE L.C. No. 255/2004.**

**Between:**

Sri V. Viswanatham,  
S/o Late Velayudham  
R/o 3-5-480, Vittalvadi,  
Narayanaguda  
Hyderabad-500 029. ....Petitioner

**And**

- Chairman and Managing Director,  
Indian Air Lines Ltd., Head Quarters,  
New Delhi.

2. Commercial Director,  
Indian Air Lines Ltd.,  
113, Gurudwara, Rakubgunj Road,  
New Delhi.
3. The Regional Director,  
Indian Air Lines Ltd.,  
Southern Region, Air Lines House,  
Meenam Bakam, Chennai-600 027.
4. The Commercial Manager,  
Indian Air Lines Ltd., Southern Region,  
Airlines House, Meenabakam,  
Chennai – 600 027.
5. The Manager ( Personal Services),  
Indian Airlines, Begumpet,  
Hyderabad. ...Respondents

**Appearances:**

For the Petitioner : M/s. V.Narasimha Goud, E. V.  
Laxmi & E. Baburao, Advocates

For the Respondent : M/s. K. Srinivas Murthy, V.  
Umadevi, GPraveen Kumar & J.  
V. Prasad Advocates

**AWARD**

This is a petition filed by Sri V.Viswanadham, the workman, invoking Section 2-A (2) of Industrial Dispute Act, 1947 seeking for setting aside the order of removal from service dated 19/20-10-1992 passed by the 4<sup>th</sup> respondent which was confirmed by the 3<sup>rd</sup> Respondent vide order dated 13/14-12-1993, as illegal unjust and arbitrary consequently directing the Respondents to reinstate the workman in service and to grant consequential benefits including back wages.

**2. The averments made in the petition in brief are as follows :**

The workman joined in service of Respondent Organization on 17-5-1985 as loader and continuously worked till he was removed from service by 4<sup>th</sup> Respondent i.e., on 19/20-10-1992 on untenable grounds. The last drawn basic by him was Rs.1,040-. While he working as loader under the control of Station Manager, Hyderabad Air Port in the month of December, 1991, the said Station Manager served a memo on him on 18-12-1991 alleging that he ran away from the spot when the Officer has asked him to proceed to duty on 12-9-1991, not signed the Attendance Register at the closure of duty and also that he refused to give a statement at about 18-30 hours on 12-9-1991 and did not respond to the letter dated 13-9-1991 to meet the Senior Security Officer and that the same would constitute misconduct under the standing orders. On 12-11-1991 workman's Cousin came to see him to invite him to his wedding which was take place on 18-11-1991, they were talking about the marriage arrangements near the parking place of the Aircraft Trolley and Scooter. While so one

Security Officer Assistant by name Sri D.S. Rao, insulted the workman in the presence of his cousin stating, "how they were near the Baggage". The workman explained stating that other security personnel were allowed to Rome Air Port Jeep in terrace near and a prone area since then he developed grudge against the workman which resulted into present proceedings. The entire charges are a measure of victimization. The items referred in the charges how fallen from the card board boxes in the bulk hold and workman has given them to Sri Sazid Khan informing him about the same and requesting him to acknowledge to the said effects. The said items were also displayed and on showing identification concerned passenger was allowed to claim by the security officer and the items were handed over by the Security Officer without taking any statement from him. On this issue Sri J. Satyanarayana has become serious over Sri Sazid Khan to avoid complication. Sri Sazid Khan has implicated the workman in this case by fabricating the passenger's statement after lapse of 5 months. In regard to non tendering of statement the workman requested for giving him in writing about the statement, but the same was not given. It is well established in mandatory practice when ever any luggage of the passenger was stolen to note of which in the log book on the complaint of respective passenger. In this case since there was no complaint from the passenger, there is no entry in the log book. The entire charges are based on untenable and unbelievable grounds. Hence, the entire disciplinary proceedings are vitiated. However an enquiry was ordered appointing one Sri Sunil Kishan, the Asst. Commercial Manager, as enquiry officer. The work made a protest against the appointment of the said enquiry officer since he got no faith that the said would conduct fair enquiry, as he is Officer bearer of Officers' Association of Indian Air Lines. But, it was rejected. The enquiry officer has no appreciated the evidence given by the Management witnesses as well as defence witnesses properly and has submitted the report holding the workman guilty of the charges. His report is basing on hearsay evidence. The passenger has been examined to prove that his luggage was pilfered. 4<sup>th</sup> Respondent without giving any opportunity on the enquiry procedure and findings of the enquiry to the workman came to the conclusion that the workman is responsible for the charges. It amounts violation of principals of natural justice. However, the workman submitted his explanation explaining the mitigative circumstances, but in vain. The impugned Order of Removal from service has been passed in obituary manner. The workman preferred an appeal against the same when 4<sup>th</sup> Respondent refused to reconsider the matter when requested for. The said mercy appeal has not been answered in spite of repeated requests and also a comprehensive letter come review dated 17-09-1994 addressed to the 4<sup>th</sup> Respondent as well as Respondents 1 and 2. Hence, the petition.

**3. The averments made in the counter filed by the Respondents in brief are as follows:-**

The workman who was working as loader in the Commercial Dept. of Indian Air Lines Ltd. at Hyderabad Air Port had committed a serious misconduct of theft of some items from the Registered baggage of an International Passenger who arrived at Hyderabad by flight A1-806 of 13-9-1991 from Riyadh. The passenger by name Sri Attar Khaja Khan who traveled by the same flight had handed over baggage for carriage before he had boarded the Air Craft. The said baggage along with registered baggage of other passenger was loaded in bulk load container and was carried in the Air Craft. When the Air Craft landed at Hyderabad, the workman who was on duty near the Aircraft entered the passenger bulk load container and took out a coat from a Card Board box by forcibly opening it. This fact was witnessed by Sajid Khan, Security guard who was on duty near the Air Craft. He caught the workman red-handedly and made a search of the person of workman and found one Torch Light and one bed sheet in side the coat. On recovering the said stolen items from the workman, the said security guard took the workman along with him to the passengers bulk load container and asked the workman to show him the box from which he has stolen the said items. The time then was early hours of 13.9.1991. The customs officials who were on duty at the Airport were also present then. When the workman asked to give his statement regarding the incident he ran away from the spot when he again came to the office at 18-30 hours on 13-9-1991 he was again advised to give a statement regarding the incident, he refused to do so. The passenger who had lost the items subsequently identified the same when displayed before the passenger and also has given a statement to the effect that a bed sheet, one torchlight and one coat were stolen from the cardboard box belonging to him. When the said items were restored to him he received them and also requested the management to take action against the person who had stolen the things. The averments made by the petitioner contra to the incident happened are all false. He made an attempt to confuse the matter by narrating various things, which are not connected to the misconduct alleged against him. When the charge memo was issued against the workman alleging the misconduct under the standing orders 1, 16(4), 16(13) and 16(29), he sought for personal hearing vide letter dated 4-3-1992. He was accorded permission for the personal hearing by the competent authority advising him to appear before the Station Manager at 11 hours on 28-4-1992. After giving personal hearing and considering his pleadings the competent authority decided to order for an enquiry and appointed Sri Sunil Kishan, the Asst. Commercial Manager as an Enquiry Officer. The Enquiry Officer has given ample opportunity to the workman to defend his case throughout the enquiry proceedings. He was permitted to take the assistance of a friend also during the enquiry. One T.R.

Hemanth Kumar, Traffic Superintendent assisted the workman. The workman was given opportunity to cross examine all the managing witnesses and to examine defence witnesses. He was allowed to verify the documents filed by the management. The enquiry was conducted in fair manner complying the Principles of Natural Justice. On fair analysis of evidence adduced on record the Enquiry Officer has given the report finding the workman guilty of misconduct under standing orders 1, 16(4), 16(13) and 16(29). The Contra Allegations by the workman are not correct. The workman was issued with a show cause notice dated 12-8-1993 proposing to impose the punishment of removal from service in view of gravity of misconduct proved against him. The workman has requested for extension time for giving reply and subsequently gave his reply vide letter dated 10-9-1993. The competent authority considered the same and also considered the past conduct of the workman and imposed the punishment of removal from service vide proceedings dated 20-10-1993. A reference relating to Air Corporation Employees Union which was representing the workman was pending before the National Industrial Tribunal, Mumbai and a approval application was filed by the management u/s 33 (2) (b) of Industrial Dispute Act before the said form seeking for approval for the action taken by the management removing the workman from service. The National Industrial Tribunal decided to hold hearing at Hyderabad to facilitate the workman and issued notices to him. The said Tribunal has given full opportunity to the work in the said proceedings and delivered judgment on 4-5-1994 according approval to the action of management in removing the workman from service after holding Dept., enquiry. While so, the National Industrial Tribunal has arrived at independent conclusion that the charged levelled against the workman were most serious and that the penalty imposed on him cannot be considered as harsh disproportionate. The workman has made false allegations/ averments in his petition in the present proceedings. When the matter has been raised before the Regional Labour Commissioner (Central) for consideration. The Asst. Labour Commissioner passed an order on consideration all the facts that the National Industrial Tribunal, Mumbai has conducted a full trial of the case and passed an order upholding termination order of management and thus no further intervention is required from the Conciliation Officer and closed the matter. Thereafter the workman has preferred an appeal against the order of punishment. The appellate authority duly considered the same and rejected it vide a speaking order dated 14-12-1993. The matter does not deserve any further consideration. Petition is not justified and is liable to be dismissed.

4. After hearing both the workman and Management regarding the validity of domestic enquiry vide order dated 3-4-2013 this court held that the domestic enquiry conducted in this case is valid.

5. Heard the arguments either party u/s 11(A) of Industrial Dispute Act,1947.

**6. The points that arise for determination are :-**

- I. Whether the order of removal from service dated 20-10-1993 passed by the 4<sup>th</sup> Respondent and which was confirmed by the 3<sup>rd</sup> Respondent is liable to be set aside ? If so on what grounds?
- II. To what relief the workman is entitled to?

**7. Point No.I:-** the Charges levelled against the workman are theft of articles belonging to the Airlines Passenger and thus fraud and dishonest behavior as well. These are very grave charges. A departmental enquiry has been duly conducted in this case since as already observed above, after due enquiry, this court found that the Departmental enquiry conducted in this case is valid. After giving due opportunity and applying the principles of natural justice, the Departmental enquiry has been conducted. The workman has utilized the opportunity given to him by cross examining all the management witnesses and also examining his own witnesses, taking the assistance of one of his colleagues.

8. As can be gathered from enquiry report, the enquiry officer has considered the entire evidence placed before him in proper perspective and gave well reasoned findings. Various circumstances like the workman leaving the work place after the incident and his not signing out the attendance register after his duty on 13-9-91 and the workman avoiding to give written statement inspite of asking him to give the same time and again are also well considered. The consistent and corroborative evidence of material witnesses in this case also has been duly considered. The flimsy grounds of the defence raised by the workman were duly discarded. The enquiry report is well balanced and well reasoned report. The motives attributed to the security guard and others by the workman which are not substantiated, clearly show that the workman is trying to wriggle out of the situation somehow or other and for this purpose he is not hesitating to make grave allegations against the material witnesses and also the enquiry officer unscrupulously.

9. Thus the disciplinary authority cannot be and need not be find fault with for accepting the finding of the enquiry officer. Further the records shows that while considering the enquiry report, the workman has been given due opportunity to make his submission. Even regarding the punishment proposed, an opportunity has been given to the workman to have his say. The Disciplinary Authority, while taking decision, has duly considered all his pleadings.

10. As far as the punishment of dismissal from service, awarded to the workman by the Disciplinary authority and which has been confirmed by the appellate authority and which has been approved by the National

Industrial Tribunal, Mumbai, is certainly not a disproportionate punishment to the proven charges against the workman. Considering the fact that the proven charges against the workman make out the dishonest conduct of the workman which involved moral turpitude, an organization like Indian Air Lines Ltd., who is to function upkeeping the faith the public got in them, cannot be find fault with for dispensing with the services of such a workman. As already held above, the punishment awarded is not at all disproportionate to the charges proved against the workman.

11. In view of the foregone discussion it can safely be held that the order of removal of the workman from service dated 20-10-93 which has been confirmed by the Appellate Authority and approved by the National Industrial Tribunal, Mumbai, does not warrant any interference and thus it is to be confirmed.

This point is answered accordingly.

**12. Point No.II: -** In view of the finding given in point No.1 above, the workman is not entitled for any of the relief sought for.

This point is answered accordingly.

**Result:-**

In the result, petition is dismissed.

Award is passed accordingly. Transmit.

Typed to my dictation by L.D.C.-cum-Typist and correct by me on this the 13<sup>th</sup> day of May, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

**Appendix of evidence**

<b>Witnesses examined for the Petitioner</b>	<b>Witnesses examined for the Respondent</b>
NIL	NIL

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 4 अगस्त, 2014

**का.आ. 2208.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-2, धनबाद के पंचाट (संदर्भ संख्या 75/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/08/2014 को प्राप्त हुआ था।

[सं. एल-20012/70/2012-आईआर (सीएम-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 4th August, 2014

**S.O. 2208.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 75/2012) of the Cent. Govt. Indus. Tribunal-cum-Labour Court-II, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL and their workmen, received by the Central Government on 04/08/2014.

[No. L-20012/70/2012- IR (CM-I)]

M. K. SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2), AT DHANBAD

##### Present:

Shri KISHORI RAM, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

#### REFERENCE NO. 75 OF 2012.

##### Parties :

The Gen. Secretary,  
United Coal Workers Union,  
P. C. Road, Gandhi Nagar, Dhanbad.

##### Vs.

General Manager,  
Kusunda Area of M/s. BCCL,  
PO : Kusunda, Dhanbad.

Ministry's Order No. L-20012/70/2012-IR (CM-I)  
dt.16.10.2012.

##### Aparances :

On behalf of the Workman/ : None  
Union

On behalf of the : Mr. U. N. Lal,  
Management Ld. Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 20<sup>th</sup> June, 2014

#### AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/70/2012-IR (CM-I) dt.16.10.2012.

#### SCHEDULE

“Whether the action of the Management of Gondudih Colliery of M/s. BCCL in not paying the IR. @ 15% for the period from 1.7.2006 to March, 2008 in respect of Sri Basdeo Singh, Ex-Mining Sirdar is legal and justified? To what relief is the workman concerned entitled?”

2. Neither the Union Representative for the United Coal Workers Union, Dhanbad, nor workman Basdeo Singh appeared nor any documents filed on his behalf since long despite three Regd. Notices dt. 27.1.2014, 12.3.2014 and 02.05.2014 issued for it. Mr. U. N. Lal, Ld. Counsel for the O.P./Management is present and submits that all the differences of wages etc. for the period from July, 2006 to June, 2008 as per the Chart dt. 12.1.2009 have been paid to the workman who had retired. The differences of wages also include I. R. (Interim Relief) from April to June, 2008 July paid to him.

Perused the case record, I find that the present Reference relates to the claim of workman for payment of I.R. @ 15% from 1.7.2006 to March, 2008 which seems to be satisfied as per the chart of the Management for the workman specifying the payment of due I.R. upto June, 2008. Under these circumstances, it stands clear that no Industrial Dispute exists. Hence, the case is closed as No Industrial Dispute existing. Accordingly an order of No Industrial Dispute existent is passed.

KISHORI RAM, Presiding Officer

नई दिल्ली, 4 अगस्त, 2014

**का.आ. 2209.**—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण/श्रम न्यायालय-2, धनबाद के पंचाट (संदर्भ संख्या 63/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/08/2014 को प्राप्त हुआ था।

[सं. एल-20012/111/2011-आईआर (सीएम-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 4th August, 2014

**S.O. 2209.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 63/2012) of the Cent. Govt. Indus. Tribunal-cum-Labour Court-II, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL and their workmen, received by the Central Government on 04/08/2014.

[No. L-20012/111/2011-IR (CM-I)]

M. K. SINGH, Section Officer



**Parties :**

The Executive Member,  
Jharkhand Colliery Sharmik Union,  
Vinod Market, Near Randhir Verma Chowk,  
Dhanbad.

Vs.

General Manager  
Kusunda Area of M/s. BCCL,  
PO: Kusunda, Dhanbad.,

Ministry's Order No.L-20012/102/2012-IR (CM-I)  
dt.01.03.2013.

**Appearances :**

On behalf of the workman/Union :	None
On behalf of the Management :	Mr U. N. Lal Ld. Advocate
State : Jharkhand Industry :	Coal

Dated, Dhanbad, the 25<sup>th</sup> June, 2014

**AWARD**

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec. 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/102/2012-IR (CM-I) dt. 01.03.2013.

**SCHEDULE**

“Whether the action of the Management of Kusunda Area of M/s. BCCL in not providing employment to Smt.Laxmi Devi, dependnt wife of Late Ram Gopal Yadav under the provisions of NCWA is fair and justified? If not, to what relief Smt.Laxmi Devi, dependant wife of late Ram Gopal Yadav is entitled?”

2. Neither any Representative for the Jharkhand Colliery Sharmik Union nor petitioner Lakshmi Devi, dependant wife of Late Ram Gopal Yadav appeared nor any written statement along with any documents filed on her behalf in spite of three Regd.Notices issued to the Union concerned for it. But Mr.U.N Lal, Ld.Advocate for the O. P./Management is present as usual.

On perusal of the case record, I find the case has been pending all along for filing a written statement with documents on behalf of the petitioner, for which three Regd.Notices dt. 07.05.2013, 28.01.2013, and 14.03.2014 were issued to the Executive Member of the Union concerned on his address noted in the reference itself, yet no response came from the Union Representative or from the petitioner herself. The very conducts of the Union Representative as well as of the petitioner clearly indicate that they are not willing to pursue the case for its finality. Under these circumstances, I find no Industrial dispute as bought by the Union concerned exists; so the case is

closed; and accordingly an order of ‘No Industrial Dispute’ existent is passed.

KISHORI RAM, Presiding Officer

नई दिल्ली, 4 अगस्त, 2014

**का.आ. 2211.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण/श्रम न्यायालय-2, धनबाद के पंचाट (संदर्भ संख्या 46/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/08/2014 को प्राप्त हुआ था।**

[सं. एल-20012/152/2011-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 4th August, 2014

**S.O. 2211.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 46/2012) of the Cent. Govt. Indus. Tribunal-cum-Labour Court-II, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL and their workman, received by the Central Government on 04/08/2014.**

[No. L-20012/152/2011- IR (CM-I)]

M. K. SINGH, Section Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL (NO.2),  
AT DHANBAD.**

**Present:**

Shri KISHORI RAM, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D.Act.,1947.

**REFERENCE NO. 46 OF 2012****Parties :**

The Executive Member,  
Jharkhand Colliery Shramik Union,  
Vinod Market, Near Randhir Verma Chowk, Dhanbad.

Vs.

General Manager  
Kusunda Area of M/s. BCCL,  
PO : Kusunda, Dhanbad.

Ministry's Order No. L-20012/152/2011-IR (CM-I)  
dt.11.07.2012.

**Appearances :**

On behalf of the workman/Union : None

On behalf of the Management : Mr. D. K. Verma, Ld.  
Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 23rd June, 2014

### AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act.,1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/152/2011-IR (CM-I) dt.11.07.2012.

### SCHEDULE

“Whether the action of the Management of Godhur Colliery of M/s. BCCL in dismissing Sri Badri Bhua, M/Loader from the services of the Company vide Order dated 23.10.2006 is fair and justified? If not, to what relief the concerned workman is entitled?”

2. Neither any Representative for the Jharkhand Colliery Sharmik Union nor workman Badri Bhua, M/Loader appeared, nor written statement with documents filed on his behalf despite four Regd. Notices to the Union concerned for it. Mr D.K.Verma, the Ld.Advocate for the O.P/Management is present as usual.

From the perusal of the case record, it stands clear that the present case has all along been pending for filing written statement with the documents on behalf of the workman for which four Regd. Notices dt. 27.08.12, 15.4.2013, 21.01.2004 and lastly 11.03.2014 were issued to the Union on the addresses noted in the reference itself. The Union Representative and the workman by their conduct appear to be quite uninterested or unwilling in proceeding with the case which is related to the matter of his dismissal as per the reference. In this circumstances, the case is closed as no Industrial Dispute existent; and accordingly, an order of ‘ No Industrial Dispute’ existent is passed.

KISHORI RAM, Presiding Officer

नई दिल्ली, 4 अगस्त, 2014

**का.आ. 2212.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण/श्रम न्यायालय-2, धनबाद के पंचाट (संदर्भ संख्या 37/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/08/2014 को प्राप्त हुआ था।**

[सं. एल-20012/140/2002-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 4th August, 2014

**S.O. 2212.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 37/2003)**

of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL and their workman, received by the Central Government on 04/08/2014.

[No. L-20012/140/2002- IR (CM-I)]

M. K. SINGH, Section Officer

### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2), AT DHANBAD.

#### Present:

Shri KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D.Act.,1947.

#### REFERENCE NO. 37 OF 2003

Parties : Shri Churaman Bhua At Chandmari Colliery, PO : Dhansar, Dhanbad,

Vs.

Project Officer, Bhowra (S) Colliery, of M/s. BCCL, PO : Bhowra, Distt: Dhanbad,

Ministry's Order No.L-20012/140/02-IR(C-I) dt.11.9.2002

#### Appearances :

On behalf of the workman/Union : Mr. S. N. Goswami  
Ld. Advocate

On behalf of the Management : Mr U. N. Lal Ld.  
Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 13th June, 2014

### AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act.,1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/140/02-IR(C-I) dt.11.9.2002.

### SCHEDULE

“Whether the action of the Management of Bhowra (S) Colliery of M/s. BCCL in dismissing Sri Churaman Kumar Bhua from service since 18.10.2000 is legal, proper and justified? If not, what relief the workman is concerned is entitled?”

On receipt of the Order No. L-20012/140/02-IR(C-I) dt.11.9.2002.of the above mentioned reference from the Government of India, Ministry of Labour & Employment,

New Delhi for adjudication of the dispute, the Reference Case No.37-2003 of was registered on 22.05.2003 and accordingly an order to that effect was passed to issue notices through the Registered Posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties made their appearances and filed their pleadings and photocopies of their documents. The Union and the O.P./Management through their Representatives and the Joint Legal Adviser appeared in, and contested the case, respectively.

2. The case of workman Churaman Kumar Bhuiya as stated in his written statement is that he was a permanent M/Loader at Bhowra (South) Colliery under Bhowra Area IX of M/s. BCCL since his employment on 01.09.1997. He had unblemished record of his continuous service of long tenure accordingly. As he was not allotted any Quarter/House accommodation under the colliery, he used to come to report for regular duty from Chandmari (Dhanbad) about 25 K.m.s far away from the duty place. In course of his employment, he fell ill of T.B., for which he had undergone the treatment at Bhowra Colliery Hospital during the period from 1997, so could not report for his duty for which he remained suspended for some time, but thereafter, he resumed on his duty till 02.02.2000. But due to his health too bad, he could not report his duty on and from 3.3.2002, as he had been under treatment of T.B. under Dr. A.K. Singh till 6.2.2002. As per his letters dt. March 2, July 5, 11 Nov. 2000, Feb. 4, June 2, Dec. 10, 2001 and Jan. 7, 2002, he intimated of his inability to report his duty due to his ill health and treatment. On recovery, the workman submitted his Medical Certificate and requested the Management for duty, but he was disallowed to résumé duty, and was dismissed from the service of the Company w.e.f. 18.10.2000 for alleged unauthorized absentism from 03.02.2000 without any opportunity for defence and appeal. Neither the charge sheet dt.11.7.2000 nor show Cause Notice dt.14.9.2000 was served upon him by any Regd. Post nor it was published in the local daily, nor any copy of the enquiry proceeding supplied to him. Yet the ex parte enquiry was concluded adversely against him. The Project Officer is neither the Appointing Authority nor the Disciplinary Authority, so the dismissal letter dt.11.7.2000 issued by the Project Officer just as the charge sheet was contrary to the Certified Standing Order and the Mines Act 1952. The dismissal letter being void ab initio is liable to be set aside. He had not lost his lien on his employment. In that regard, as per the decision of the central Consultative Committee of M/s. BCCL, Koyla Bhawan on 30.04.1994, the case of the dismissed workman may be taken back in employment after reconsideration. Besides,

his dismissal by the Management from 18.10.2000 without complying with mandatory provision under Sec.25 F of the I.D.Act. 1947 is illegal, so the workman is legally entitled to reinstatement in his service with full back wages, as the punishment of his dismissal is quite perverse and shockingly disproportionate to the nature of his misconduct. The action of the Management in dismissing him is unjustified.

The workman in his rejoinder has specifically denied the allegations of the O.P./Management.

3. Whereas categorically denying all the allegations of the workman, the case of the O.P./Management is that workman Churaman Kumar Bhuiya, Ex-M/Loader was a permanent employee of Bhowra (S) Colliery. But he was issued the charge sheet dt.11.7.2000 for his unauthorized absence, misconduct under clause 26.1.1. of the Certified Standing Order of the Company. Consequent upon the appointment of Sri R.D.Tripathy, Dy.P.M. as the Enquiry Officer and Sri Rameshwar Singh as the Management Representative as per the Office letter dt.13..7.2000 of the Manager concerned, despite several dates fixed for enquiry, the workman did not appear in it, so the Enquiry Officer had decided to hold the enquiry ex parte on 6.09.2000 wherein the statements were recorded in presence of the presenting Officer, who had also submitted the last 3 years Attendance of the workman: 24,95 and 84 days in the years 1997-99 respectively. Previously the workman was issued a charge sheet for his unauthorized absence from 17.08.1998 and after enquiry, he was allowed to resume his duty from 29.12.1998 with a warning subject to the approval of the competent Authority. Accordingly, he was also punished with stoppage of one SPRA for his another unauthorized absence from 16.08.1999 after due enquiry. After due enquiry, the Enquiry Officer submitted his enquiry report, holding the charge fully established against the workman. Upon the Second Show-Cause as per the letter dt.14.9.2000, the Disciplinary authority decided to impose the penalty of dismissal on the workman. In result he was dismissed from the service of the company as per the Order dt.18.10.2000 after its due approval of the General Manager, so the action of the Management in dismissing the workman is just, and legal. The workman was a habitual absentee as per his past records. So he is not entitled to any relief.

The O.P./Management in its rejoinder has categorically denied the allegations of the workman.

#### FINDING WITH REASONS

4. In the instant reference, since Mr.S.N.Goswami, the Learned Counsel for the Union/workman on 11.10.2011 has accepted the fairness of the domestic enquiry, the Tribunal accordingly held the enquiry as fair, proper at preliminary issue; and it directly came for hearing final argument on merits.

Mr. S. N. Goswami, Ld. Advocate for the workman as per written argument submits that the workman was a permanent M/Loader of Bhowra (S) Colliery of M/s. BCCL but due to his illness of T.B. and his long treatment for it under Dr.A.K.Sinha from 3.2.2000 to 06.02.2002, he could not report for his regular duty to the Management, as his absenteeism was due to his prolonged illness beyond his control, though he had intimated Management of his inability to report his duty as per his representation (Exts. W.1 series in five sheets). The Management did not allow him to join his duty on his application along with the Medical Fitness Certificate dt.6.1.2002 (Exts.M.1/6 and W.2) respectively. Further it is also submitted that he was dismissed from service of the company w.e.f. 18.12.2000 without providing him any opportunity for his defence or appeal on the basis of ex parte enquiry .He was illegally dismissed (Exts.W.3), and that the order of dismissal from his service is shockingly disproportionate to the nature of the misconduct. Absentism, so the workman is entitled to reinstatement in his service with full back wages and other reasonable benefits.

On the other hand, the contention of Mr. U. N. Lal Ld. Counsel for the O.P./Management is that since the workman was issued the charge sheet dt.11.7.2000 for his unauthorized absenteeism w.e.f. 3.2.2000 (Ext.M.1) but when he did not respond to any of the Enquiry Notices (Ext.M.4 series in three sheets), the domestic enquiry was ex parte held by Sri R.D. Thripathy, Dy. Personnel Manager as the Enquiry Officer in presence of Shri Rameshwar Singh as Management Representative as per the office order dt.13.7.2000 of the Manager (Ext.M.3) as per the enquiry proceedings (Ext.M.5); the Representative of the Management had also submitted the Attendance record of the workman for the past three years 1997 to 1999 merely his attendance 24, 95 and 84 days respectively before the Enquiry Officer just as he was also earlier issued twice charge sheets for his unauthorized absences w.e.f. 17.8.1998 and 16.8.1999, for which he was given warning and the stoppage of SPRA respectively taking a lenient view. The Enquiry Office submitted his enquiry report, holding the charges as proved against him. The Disciplinary Authority submitted his report (Ext.M.5). The Disciplinary Authority issued the Show-Causes Notice dt.14.9.2000 (Ext.M.6) to the workman with a copy of Enquiry Report, but it also remained unresponded by the workman. Taking into accounts all the facts and past attendances of the workman, the Disciplinary authority as per the Dismissal Order dt.18.10.2000 (Ext.M.8) rightly awarded the workman with penalty of his dismissal for his service which is just and proper; thus woman is not entitled to any relief.

On perusal and consideration of the materials made available by both the parties on the case record, I find the following facts:

(1) The status of the workman as a permanent M/Loader (MCL) at Bhowra (S) Colliery of the M/s. BCCL is indisputable.

(2) Non- consideration of the two representations of the workman duly under receipt on behalf of the Management, Bhowra Colliery dt. 2.3.2000 and 5.7.2000 (Exts.W.1 and W.1/1 respectively) about his sickness and his continued treatment by the Doctor prior to his charge sheet dt.10.7.2000 for his absenteeism from 3.2.2000 as contrasted with the consideration of the employer about his past three years attendances for the year 1997,1999 is nothing but a motivating factor of the Management towards the workman. The penalty of dismissal as awarded to the workman Churaman Kumar Bhuiya appears to be harsh and disproportionate to the nature of misconduct of absenteeism .So it is liable to be set aside in eye of law.

In result, it is hereby responded and accordingly awarded in the terms of Reference that the dismissal of the workman Churaman Kumar Bhuiya w.e.f. 18.10.2000 by the Management of Bhowra (S) Colliery of M/s. BCCL is neither legal and nor proper nor just. Hence, the workman is entitled to reinstatement in his services with 50% back wages and its incidental benefits.

The O.P./Management is directed to implement the order within a month from the date of its receipt following its publication in the Gazette of India by the Government of India, Ministry of Labour & Employment, New Delhi.

KISHORI RAM, Presiding Officer

नई दिल्ली, 4 अगस्त, 2014

**का.आ. 2213.—**औद्योगिक विवाद अधिनियम, 1947 ( 1947 का 14 ) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-2, धनबाद के पंचाट ( संदर्भ संख्या 5/2006 ) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/08/2014 को प्राप्त हुआ था ।

[सं. एल-20012/102/2005-आईआर (सीएम-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 4th August, 2014

**S.O. 2213.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 05/2006) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. II, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL and their workman, received by the Central Government on 04/08/2014.

[No. L-20012/102/2005-IR (CM-I)]

M. K. SINGH, Section Officer



The Union Representative in the rejoinder for the workman has denied all the allegations of the O.P./Management specifically, accepting in its para 4" But the mention of SLUs granted by the Management as per rules are not denied."

3. Whereas the contra case of the O.P./Management is that the reference is unmaintainable in law and facts as well. The past record of the workman is very bad. His initial appointment on 8.8.1977 was as a clerk at Koyla Bhawan. In the year, he was posted as a Store Keeper at North Tisra Colliery under Lodna Area where he was dismissed from service for the charge of theft etc. after due departmental enquiry. He had raised an Industrial Dispute as the reference No.71/1994, which resulted in "No dispute Award" passed by the CGIT No.1, Dhanbad, following a settlement on his request for his reinstatement but without back wages in view of his family aspect and of allowing him one chance to mend himself. After allowing him duty, the Management sympathetically gave him his due promotion upgradation etc. so as to mend himself and to be a good citizen. The workman was upgraded in special Clerical Grade after completion of 10 years in Grade I w.e.f.1.7.1993 under the Service Linked Upgradation (SLU). He was again upgraded in T & S Grade 'A' under SLU w.e.f. 1.1.02. As the date of annual increment and that of upgradation fell on the same day of Jan.1, 2002, the fixation of his basic as per the rule accordingly was made as under:

- (a) Basic pay under Spl. Gr. on 1.1.02(SLU) Rs.7,087.00
- (b) Add one increment as his Annual Increment falls on 1.1.02 Rs.7,257.00
- (c) By upgradation his basic pay fixed at Rs. 7,362.00 (digit 3 typographically wrongly typed in place of 2 in hundredth)

The rule provides for one increment in the old rate, then the promotional benefit of fitment at the coincidence of both the dates of annual increment and promotion on the same day of any workman. Thus the basic pay of the concerned workman has been correctly fixed on 1.1.2002. He is not entitled to any further benefit on the date. The case of the workman has no merits.

#### FINDING WITH REASONS

4. In the reference, WWI Bhuneshwar Pandey, the workman himself as the Sr.Store Keeper, WW2 Babban Singh, Retd. Employee of M/s. BCCL for the Union concerned have been examined and cross examined by the O.P./Management .But despite ample opportunity, no Management could examine any witness on its behalf.

Mr. P. N. Singh, Learned Counsel for the workman as per his written argument as well submits that workman Bhuneshwar Pandey, a permanent workman of M/s.

BCCL, was posted as 'Store Keeper' at Patherdhil Colliery, E.J. Area of it, he was granted S.L.U. with his upgradation in Tech. Grade 'A' (Pay Scale) w.e.f. 01.01.2002 from his Grade /pay scale of "Spl" Grade (Clerical) prevailing as on 31.12.2001 as per the office Order No.780 dt.30.3./1.4.2002 (neither filed nor proved, though Ext.W.1 refers to it) but as per the SLU Upgradation Basic Fixation Chart dt.11.4.2002 (Ext.W.1), his basic was Rs.7,084 as per 31.12.2001 and basic pay Rs.7262 as on 1.1.02 without adding his annual 1<sup>st</sup> increment in consonance with the 1.1.17 of the 4<sup>th</sup> JBCCI, resulting in his annually recurring loss since then till then, so the workman is entitled to fixation of his basic Rs.7442/- in place of Rs.7262 from 1.1.2002 as fixed by the O.P./Management in violation of the said rule.

Further Mr. Singh, Learned Counsel for the workman, has advanced his argument in favour of the workman that the employee K.D. Roy under Sl.No.4 of the Fixation Chart Clerk Gr.I on 31.12.2001 had basic Rs.6528, but on upgradation, his basic pay was firstly fit to higher slab at Rs.6577- and thereafter annual increment Rs.170- was added to it rendering his final basic pay Rs. 6747 as evident from the Fixation Chart (Ext.W.1). But the plea of the learned Advocate appears to be based on misconception, as the very chart clearly bears the correction of aforesaid higher slab Rs.6,577- of Sri K.D. Roy as Rs.6,747 as on 1.1.2002 as his basic also as on 1.4.2002. The workman as S/Keeper being in Gr.Spl.upgraded in T/S Gr.A with S.L.U. w.e.f. 1.1.2002 as on 31.12.2001 which on addition of Rs.175- increment came to his fixed basic Rs.7,262 as on 1.1.2002 as also on 01.04. 2002 basically as per the Fixation Chart itself.

So far as the Implementation Instruction No.17 dt. 28.12.1989 is concerned, the basic of the workman as Rs.7087 appears to have added with his increment Rs.170 (not old increment Rs.155 as alleged by him) resulting his Fixed Basic Rs.7262/- as on 1.1.2002, also as basic as on 1.4.2003 since thereafter he had already been paid normal increment of T/S Gr.A from 1.1.2003- Rs.180 per year under SLU as evident from the O.P./Management's comments dt.9/8.3.2004 before the ALC®, Dhanbad in the Industrial Dispute. It also reveals his previous upgradation in Clerical Special Grade under SLU w.e.f. 1.7.1993; he never raised any such issue at the relevant time nor furnished any reasonable and probable explanation to that effect. So the Labour Court presumes the compliance of the I.I.No.17 then applicable to his case at the relevant time in view of the common course of natural events under Sec.114 of the Evidence Act. Moreover, the admission of the workman: his reinstatement in service without back wages on account of the settlement in his previous Ref.No.71/94 in the CGIT -LC(1), Dhanbad, brought by him against his dismissal for theft, and passing of the Award against him in his another Ref.No.61/2004 by the present Tribunal-Labour Court No.2, Dhanbad against his dismissal as well as for his back wages and financial benefits- manifest the litigious

attitude of the workman working on the brain child of an experienced person for undue advantage for his self without merits.

Considering the aforesaid facts, it is, in view of the terms of the reference, hereby, awarded that the demand of the Rashtriya Colliery Mazdoor Congress from the Management of BCCL, Patheridih Colliery, that the pay of Shri Bhuneswar Pandey upon grant of SLU w.e.f. 1.1.2002 be fixed at Rs. 7,442 instead of Rs. 7,262 is totally unjustified. So the workman is not at all entitled to any relief.

KISHORI RAM, Presiding Officer

नई दिल्ली, 4 अगस्त, 2014

**का.आ. 2214.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ओ. एन. जी. सी. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय, कोलकाता के पंचाट (संदर्भ संख्या 33/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/08/2014 को प्राप्त हुआ था।

[सं. एल-30012/31/1996-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 4th August, 2014

**S.O. 2214.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 33/1997) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Kolkata as shown in the Annexure, in the industrial dispute between the management of ONGC and their workmen, received by the Central Government on 04/08/2014.

[No. L-30012/31/1996-IR (C-I)]

M. K. SINGH, Section Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

#### Reference No. 33 of 1997

**Parties:** Employers in relation to the management of O.N.G.C., Kolkata

AND

Their workmen

**Present:**

Justice DIPAK SAHARAY, Presiding Officer

**Appearance:**

On behalf of the : Mr. S. K. Karmakar,  
Management Ld. Advocate.

On behalf of the : None  
Workmen

State: West Bengal Industry : Petroleum.

Dated : 22nd July, 2014

#### AWARD

By Order No.L-30012/31/96-IR(C-I) dated 14.08.1997 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of ONGC in not enlisting and regularizing the services of Shri Manik Chakraborty as a regular driver is legal and justified? If not, to what relief is the workman entitled?”

2. When the case is taken up today for hearing, none appears on behalf of the union/workmen though the management is represented by its Ld. Counsel. It appears from the record that previously the union appeared through its Ld. Counsel.

3. Subsequently, notice was issued upon both the parties and on receiving such notice management appeared through its Ld. Counsel. But the notice in respect of the union was returned unserved with an endorsement “Left”. It is also surprising to note that the union before leaving its office did not even consider it necessary to intimate the Tribunal regarding the new address of its office. Considering the above facts and circumstances, it may reasonably be presumed that the union is not interested about the case and does not want to proceed with the instant reference case further. Perhaps the union has no grievance against the management at present.

4. Considering the above facts and circumstances, instant reference is disposed of by passing a “No Dispute Award”.

Justice DIPAK SAHARAY, Presiding Officer

Kolkata,  
The 22nd July, 2014.

नई दिल्ली, 4 अगस्त, 2014

**का.आ. 2215.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय-2, धनबाद के पंचाट (संदर्भ संख्या 18/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/08/2014 को प्राप्त हुआ था।

[सं. एल-20012/98/2012-आईआर (सीएम-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 4th August, 2014

**S.O. 2215.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 18/2013) of the Cent. Govt. Indus. Tribunal-cum-Labour Court-II, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL and their workman, received by the Central Government on 04/08/2014.

[No. L-20012/98/2012- IR (CM-I)]

M. K. SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2) AT DHANBAD

##### Present:

Shri KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D.Act,1947.

#### REFERENCE NO. 18 OF 2013.

##### Parties :

The Area Secretary,  
Rastriya Colliery Mazdoor Sangh,  
Nithitpur Colliery Branch,  
PO : Bansjora, Dhanbad.

##### Vs.

General Manager,  
Sijua Area of M/s. BCCL,  
PO : Sijua, Dhanbad.

Ministry's Order No. L-20012/98/2012-IR(CM-I)  
dt.08.01.2013

##### Appearances :

On behalf of the workman/Union : None

On behalf of the Management : Mr. D. K. Verma Ltd.  
Advocate

State : Jharkhand

Industry : Coal

Dhanbad, the 3rd June, 2014

#### AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act,1947 has referred the following dispute to this Tribunal for adjudication vide their Order No L-20012/98/2012-IR(CM-I) dt. 08.01.2013.

#### SCHEDULE

“Whether the action of the Management of Sijua Area of M/s. BCCL in not promoting Sri Ramadhar

Singh in the post of Welfare Inspector is legal and justified? To what relief is the workman concerned entitled?”

None appeared for the Rastriya Colliery Mazdoor Sangh nor workman Ramadhar Singh appeared nor any written statement along with any documents filed on his behalf. Mr.D.K.Verma, Ld. Advocate for the O.P/ Management is present.

Perused the case record. The Reference relates to an issue concerning promotion of the workman to the post of Welfare Inspector. It reveals that neither the Union Representative nor the workman ever appeared in the case which has been pending for filing the Written statement with the documents on behalf of the workman, for which three Regd. Notices dt.2.4.2013, 19.09.2013 and 05.03.2014 were issued to the Area Secretary of the Union on the address noted in the Reference itself. But till now none appeared nor written statement on behalf of the workman filed. The Union Representative and the workman by their own conducts clearly appear to be reluctant in pursuing the case for its final disposal. Hence it prima facie appears that no Industrial Dispute exists. So the case is closed as no Industrial dispute existent; accordingly an Order of No dispute is passed.

KISHORI RAM, Presiding Officer

नई दिल्ली, 5 अगस्त, 2014

**का.आ. 2216.**—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दिल्ली डेवलपमेंट अथोरिटी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण/श्रम न्यायालय-2, दिल्ली के पंचाट (संदर्भ संख्या 15/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/08/2014 को प्राप्त हुआ था।

[सं. एल-42011/160/2012-आईआर (डीयू)]

पी. के. वेणुगोपाल, अनुभाग अधिकारी

New Delhi, the 5th August, 2014

**S.O. 2216.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 15/2013) of the Cent. Govt. Indus. Tribunal-cum-Labour Court-II, Delhi, now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Delhi Development Authority and their workmen, which was received by the Central Government on 04/08/2014.

[No. L-42011/160/2012- IR (DU)]

P. K. VENUGOPAL, Section Officer

**ANNEXURE****CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT-II,  
DELHI****Present:**

Shri HARBANSK KUMAR SAXENA, Presiding Officer

**ID No. 15/13**

Smt. Birmate W/o Late Sh. Kishan,  
Through General Secretary,  
Nagar Nigam Karmchari Sangh,  
Delhi Pradesh, P-2/624, Sultanpuri,  
Delhi.

**Versus**

Delhi Development Authority,  
New Delhi.

**NO DISPUTE AWARD**

The Central Government in the Ministry of Labour vide notification No.L-42011/160/2012-(IR(DU) dated 25.02.2013 referred the following industrial Dispute to this tribunal for adjudication :-

“Whether the action of the management of DDA in not providing compassionate appointment to Smt. Birmati W/o Sh. Kishan, a regular Beldar is fair and justified? If not, what relief the workman is entitled for?”

On 05.04.2013 reference was received in this tribunal. Which was register as I.D No. 15/13 and claimant was called upon to file claim statement with in fifteen days from date of service of notice. Which was required to be accompanied with relevant documents and list of witnesses.

After service of notice workman/claimant Smt. Birmati not filed claim statement but management instead of filing response filed written submissions. Wherein it mentioned as follows :-

1. That the management received a notice of appearance for 29.04.2014 from the Hon’ble Tribunal in the above matter. That the management through its A/R appeared and requested for supply of statement of claim filed by workman. That the A/R for management appeared on each hearing before the Hon’ble Tribunal but neither the workman appeared nor filed any claim statement. It is submitted that in the absence of claim statement the Hon’ble Tribunal has directed the management to file comments.

2. That as per section 10-B(1)&(2) of the Industrial Dispute (Central) Rules 1957 “While referring an industrial dispute for adjudication to a Labour Court, Tribunal or National, the Central Government shall direct the party raising the dispute to file a statement of claim complete with relevant documents, list of reliance and witnesses with the Labour Court, Tribunal, or National Tribunal within fifteen days of the receipt of the order of reference and also forward a copy of such as statement to each one of the opposite 3 parties involved in the dispute.?

3. That as per section 10-B (1) of the Industrial Dispute (Central) Rules 1957 the workman has not filed any claim statement before the Hon’ble Tribunal. Hence the management is not able to file any comments/WS in the absence of claim statement.

In view of above , the workman is not entitled for any relief from the Hon’ble Tribunal and the present dispute is liable to be dismissed.

On the basis of non-interestedness of workman. The proceeding of this case is not liable to be proceeded further. Hence proceeding of the case are liable to be dropped and no dispute award is liable to be passed.

No Dispute Award is accordingly passed.

Dated:-17/07/2014

HARBANSK KUMAR SAXENA, Presiding Officer